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The Role of Politicized Ethnicity on Conflict in Africa: A Case Study of Kenya, 1992-2016

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DECLARATION

This Dissertation is my original work and has not been presented for

examination in any other University.

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DEDICATION

I dedicate this study to my family for their continued moral support.

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I wish to thank all those who gave their contributions and encouragements to ensure the successful completion of this dissertation. In particular, I wish to recognize the commitment, dedication and critical instructions of, Professor Maria Nzomo and Dr. Martin Ouma, which I greatly needed to complete this study. Lastly, I sincerely thank all the staff of the Institute of Diplomacy and International Studies (IDIS) for their support, God bless you.

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ACRONYMS AND ABBREVIATIONS

ACHPR-African Charter on Human and People's Rights

APC- All People's Congress

ARA-Asset Recovery Agency

ASALs-Arid and Semi-Arid Lands

CBOs-Community Based Organizations

CDC-Constituency Development Committee

CERD-Convention on the Elimination of All Forms of Racial Discrimination

CFC-Constituency Fund Committee

CKRC-Constitution of Kenya Review Commission

CNDP- National Congress for the Defense of the People

CRA-Commission for Revenue Allocation

CSOs-Civil Society Organizations

DDC-District Development Committee

DFLR-Democratic Forces for the Liberation of Rwanda

DFRD-District Focus for Rural Development

DRC- Democratic Republic of Congo

EACC-Ethics and Anti-Corruption Commission

EPRDF- People's Revolutionary Democratic Front

ERB-Electricity Regulatory Board

ERC-Energy Regulatory Commission

FNLA- National Front for the Liberation of Angola

FORD-Forum for the Restoration of Democracy

GEMA-Gikuyu, Embu and Meru Association

ICCPR-International Covenant on Civil and Political Rights

ICESCR-International Covenant on Economic, Social and Cultural Rights

IGAD-Intergovernmental Authority on Development

IPPG-Inter-Party Parliamentary Group

IPPs-Independent Power Producers

KACC-Kenya Anti-Corruption Commission

KAMATUSA-Kalenjin, Maasai, Turkana and Samburu

KICD-Kenya Institute of Curriculum Development

KIPPRA- Kenya Institute for Public Policy Research and Analysis

KNDR-Kenya National Dialogue and Reconciliation

KSG-Kenya School of Government

LATF-Local Authority Transfer Fund

LRA-Lord's Resistance Army

M-23- March 23 Movement

MASSOB- The Movement for the Actualization of Biafra Republic

MDGs-Millennium Development Goals

MFDC- *Mouvement des Forces Democratiques de la Casamance*

MNKOAL-Ministry of State for Development of Northern Kenya and other Arid Lands

MOSOP- The Movement for the Survival of Ogoni People

MPLA- Popular Movement for the Liberation of Angola

MRC-Mombasa Republican Council

NCIC- National Cohesion and Integration Commission

NFD-Northern Frontier District

NLP-National Land Policy

OLF-Oromo Liberation Front

ONLF- Ogaden National Liberation Front

OPC- O' dua People's Congress

SID-Society for International Development

SLPP- Sierra Leone People's Party

SPLM-IO-Sudan People's Liberation Movement-In Opposition

TFSL- Toubou Front for the Salvation of Libya

TJRC-Truth Justice and Reconciliation Commission

TPLF- Tigray People's Liberation Front

UDHR-Universal Declaration of Human Rights

UN- United Nations

UNDP-United Nations Development Programme

UNITA- National Union for the Total Independence of Angola

DEFINITION OF TERMS

For clearer understanding of the terms used in this dissertation, below are their meanings:

"Politicized ethnicity" refers to the manipulation of ethnic identities for elite's personal political interests. It involves activation of ethnic identities as the bases for interest definition and mobilizing collective political struggle for power and/or resources. Politicized ethnicity best flourishes where there is inequitable distribution of resources, a situation that motivates political elites to invoke ethnic ideology to fight for personal interests.[1]

"*Ethnic-based exclusion*" refers to a condition where some people are unable to take part in economic, social, political and/or cultural activities at an acceptable level due to their ethnic identity. It also refers to a process which gradually and systematically denies some individuals or communities full access to various rights, resources and opportunities that are available to other individuals or communities.[2] The terms ethnic-based exclusion, lack of inclusivity, exclusion and marginalization are used interchangeably in this study.[3]

"*Marginalized Community*" As defined by 2010 constitution of Kenya, this term is used in this study to refer to a community which by reason of its size or otherwise has been unable to participate in public life in Kenya.[4] "*Minority group*" Borrowing from Article 27 of the international convention on civil and political rights and the UN declarations of 1992 on the rights of person, the following criteria would be used to define a minority group in this study: People who-

i)   Belong to an ethnic, linguistic or religious groups in Kenya;

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[1] Oyugi, W.O, Politicized Ethnic Conflict in Kenya: A Periodic Phenomenon, (2000), pp.1-3
[2] Loury, G.C, *Social Exclusion and Ethnic Groups: The Challenge to Economics*, Boston University 1995, pp. 1-8
[3] Weber, A. The Causes of Politicization of Ethnicity-A Comparative Case Study of Kenya and Tanzania, *Comparative and International Studies*, No. 47 (2009), p.2
[4] Constitution of Kenya 2010, Article 260

ii)   Have a non-dominant position within the state;

iii)   Possess a sense of belonging to that group; and

iv)   Are discriminated against or marginalized on the grounds of their group

membership.[5]

Horizontal inequalities: This term is used in this study to refer to socio-economic and political differentiations based on ethnicity. This form of inequality underscores how ethnic affiliations determine social, political and economic benefits from the states.

This study uses Reimann's definition of the following terms: *Political needs:* refers to the needs such as individuals' effective participation in market, political and decision-making institutions, whereas *Security needs* include the need for nutrition, housing and physical security. Furthermore, Reimann considers *Acceptance needs* as the need for social recognition and "identity".[6] In addition, this study focuses on the *Conflicts* usually over social, cultural, political, economic or territorial issues in which the objective of at least one party are defined in ethnic terms and its possible solution are perceived along ethnic lines.[7]

This study further adopts the definition of the following terms as used by Society for International Development: *Human rights-* Are highly valuable objectives that all individuals in a society are inherently entitled to as human beings, *Co-ethnics-*people of the same ethnicity, *Development-* refers to increasing the capabilities of individuals to do and to be what they value while *Ethnocentrism-*A belief in the inherent superiority of one's own ethnic group or culture.[8]

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[5] General Assembly Resolution, *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, 47/135, 1992. Pp 1-4

[6] Reimann, C. *Why are Violent Intra-state Conflicts Protracted? Looking at Azar's Model of Protracted Social Conflict from a gender-sensitive Perspective*, p. 6

[7] Gilley, B. Against the Concept of Ethnic Conflict, *Third World Quarterly*, Vol. 25, No. 6 (2004), pp. 1155-1166

[8] Society for International Development

In addition, this study uses the following definitions: *Civil Wars*-is a war between organized groups within the same state or country, *Stereotyping*-A perceived notion about a group of people, *Ethno politics*-intersection of ethnic groups and politics, *Ethno-region*-refers to regions inhabited by particular ethnic group, while *conflict* is considered to include both physical conflicts and structural conflict which refers to systematic ways in which a regime prevents individuals from achieving their full potential.[9] *Concierge* and *Maitre d'* as defined by free dictionary refers to a staff member of a hotel in charge of special services and one in charge of a restaurant respectively.

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[9] Galtung, J, *Theories of Conflict: Definitions, Dimensions, Negations, Formations*, University of Hawaii, 1973

ABSTRACT

Efforts to promote inclusive governance in Africa and Kenya in particular remain a mirage despite more than two decades of restructuring. This is partly due to the failure by political leaders to de-ethnicize politics, a development that is often associated with the intermittent conflicts witnessed in many parts of African continent. This study therefore examined the role of politicized ethnicity on persistent conflict in Africa using the case study of Kenya. To achieve this objective, the study focused on how politicized ethnicity contributes to poor governance, resource mal-distribution, human rights abuse and ultimately conflicts. This study was guided by the Instrumentalist theory of ethnic conflict which explains ethnic conflicts from socio-economic and political perspective. In particular, this theory argues that competition between diverse ethnic groups for scarce economic and political resources is a major motivation for ethnic based conflicts. In its methodology, this study utilized the case study research design, while the primary data was collected using questionnaires and interview guide with both closed and open ended questions. The study utilized both quota sampling when administering the questionnaire to the general public and purposive sampling while conducting interviews with the experts. Expert opinions among academicians, security officers, NCIC commissioners and civil society employees who are well-versed on the role of ethnicity on conflicts were sought. The data was finally analyzed using mixed methods such as content analysis, trend analysis and descriptive statistics. The findings of this study indicate that the politicization of ethnicity, which is an element of poor governance, heightens perceptions of exclusion and sometimes legitimate exclusion which ultimately provokes conflicts. Furthermore, this study demonstrates that politicized ethnicity encourages mobilization along ethnic lines and increases the consciousness on human rights violations whether legitimate or not, therefore stoking conflicts. Politicized ethnicity also shapes inter-group politics which promotes structural violence, thus creating cycles of future conflicts and exclusion. This study also depicts that politicized ethnicity in Kenya has been fomented by failure to de-ethnicize politics, corruption, lack of patriotism, nepotism, weak government institutions and failure to implement relevant laws. Thus, this study recommends that there is a need to have a legal framework that insulates public establishments from political interference. In addition, the Kenya Institute of Curriculum Development should review the curriculum to underline the efficacy of political inclusivity, while at the same time National Cohesion and Integration Commission should be anchored in the constitution and given more resources for it to become more efficient and effective in addressing politicized ethnicity.

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

The struggle for independence in Africa sought to replace the exclusive and oppressive colonial administrative systems with inclusive political system that would promote good governance. It was expected that the newly independent African states would underscore nationhood and the need for political, social and economic rights in order to redress the colonial injustices.[10] However, upon independence, the dream of attaining nationhood in many African states faded as negative ethnicity and conflicts gained prominence especially in mid-1960s due to ethnic based politics.[11] As a result, ethnic related conflicts became widespread around the world and particularly in Africa since 1970s.[12] This heightened fragmentation among the diverse ethnic groups, a situation that exacerbated governance challenges in the continent.

The prevalent ethnic based conflicts in the continent culminated in single-party system of governance in many countries, which was considered critical in building national unity. However after the end of Cold War, many third world countries especially in Africa were forced to abolish the single-party system of governance due to internal and external pressure, a move that set the continent on the path of democratization. Nevertheless, this period also witnessed an increase in politicized ethnicity and subsequently intense politically motivated ethnic conflicts. This resulted in disgruntled citizens who often strive for equal opportunities, rights and access to power within

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[10] Nasong'o, S.W, *Contending Political Paradigms in Africa: Rationality and the Politics of Democratization in Kenya and Zambia*, (New York: Routledge Taylor & Francis Group, 2005) pp.7-9.

[11] Bentley, G.C, Ethnicity and Practice, *Comparative Studies in Society and History*, Vol. 29, No. 1 (1987), pp. 24-55

[12] Gurr, T. R. and Harff, B. *Ethnic Conflict in World Politics*, Session 10, (1994), pp.1-26

their existing communities.[13] The worsening politicized ethnicity in the Continent fomented a lot of dissent, sometime provoking the mushrooming of various militia groups that have exacerbated conflicts in Africa. These militia groups which include; the Lord's Resistant Army (LRA) in Uganda, Mombasa Republican Council (MRC) and Mungiki in Kenya, Sudan People's Liberation Movement–In Opposition (SPLM-IO) in South Sudan, Democratic Forces for the Liberation of Rwanda (DFLR) in Rwanda amongst other groups, have not only led to the destruction of property worth billions of shillings, but also loss of lives. The 2005 UN report for instance depicts that from 1994-2003, 13 million conflict-related deaths were reported worldwide and out of this figure, 9.3 million deaths were from Sub-Saharan Africa where politicized ethnicity is widespread.[14]

Politicization of ethnicity in Africa has been manifested in many ways including ethnic militaries, where some leaders build armies mostly composed of co-ethnics. This has negatively affected the growth of democracy, thus promoting poor governance in many countries especially in Africa. In addition, ethnic militaries have played a significant role in provoking civil wars and military coups in many countries including Sudan, Ghana, Nigeria and Sierra Leone. In Sudan, for instance, civil war broke out immediately after independence in 1956 as Southerners, who were majorly black Christians and animist, resisted discriminatory policies from the Arab North, who were mainly Muslims. This prompted the military to divide into two factions representing the North and the South. After the independence of South Sudan in 2011, animosity began fomenting between ethnic Nuer and Dinka, culminating in the disintegration of military into two

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[13] Gurr, T.R, Minorities, Nationalists, and Islamists: Managing Communal Conflict in the Twenty-first Century, A.C, Crocker et al, (ed), *Leashing the Dogs of War*, (Washington, D.C: United States Institute of Peace, 2007) pp.131-156.

[14] The Millennium Development Goals Reports (2005)

factions: one representing the Nuer while the other represented the Dinka, a development that plunged the country into civil war.[15]

Politicized ethnicity intensifies when elites from some ethnic communities have been excluded from both political and socio-economic benefits.[16] This leads to poor governance which in turn denies many states opportunities to develop as argued by John Kufuor, former President of Ghana.[17] In addition, politicized ethnicity provokes structural violence that often becomes physical especially when some ethnic groups satisfy their political, security and acceptance needs at the expense of other groups.[18] Such politics also discourages collective decision-making in governance and subsequently lead to enactment of state policies that does not address the needs of diverse groups. Politicization of ethnicity is particularly common in Africa where there are weak governance institutions which are unable to hold leaders accountable, a development that has caused a lot of frustrations in many African countries.

This study demonstrates that ethnicity is one of the several identity issues that can be used for political mobilization. Identities such as race, religion, gender, caste, clan and even the place of origin can be used by leaders for mobilization. However as Gurr observes, ethnicity is the cardinal means of political mobilization due to ethnic biases that have been formed among groups as a result of historical conflicts or grievances.[19] Ethnic stereotypes and perceptions of ethnic exclusion also make it easy for politicians to use ethnicity for political mobilizations. In addition, the fear created among ethnic groups by leaders and the expected benefits of ethnic

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[15] Kristen, A, The Ethnic Army and the State: Explaining Coup Traps and the Difficulties of Democratization in Africa, *Journal of Conflict Resolution*, Vol. 60, No.4 (2016), pp. 587-616

[16] Ebert, F.S*, The Political Dynamic of Regional Disparities and Marginalization in Kenya,* 2012 pp. 1-2

[17] Wambua, S, *"Kufuor: Hostile Leaders Wanted me Out of Kenya",* Daily Nation, (Nairobi), 27 February, 2015, p.19

[18] Reimann. C, *Why are Violent Intra-state Conflicts Protracted? Looking at Azar's Model of Protracted Social Conflict from a Gender-sensitive Perspective*. P. 6

[19] Gurr, T.R, Why Minorities Rebel: A Global Analysis of Communal Mobilization and Conflict since 1945, *International Political Science Review*, Vol. 14, No. 2 (1993), pp. 161-201

solidarity makes ethnic mobilization quite easy as observed by Mamdani.[20] Ethnicity is also a strong identity issue than others due to the seeds of ethnic hatred that were planted by colonial powers.

Politicization of ethnicity seems to be both a symptom and a cause of poor governance especially in African Continent. For instance, though many countries in Africa today hold regular elections, the politics has been ethnicized making voting and elections appear an ethnic competition where one ethnic group wins and another loses. Consequently, the electoral processes are frequently manipulated in favour of the incumbent or their preferred candidate. Thus, although there have been regime changes in many African countries through elections, broadened political participation as expected in an ideal democracy is still wanting due to high levels of politicized ethnicity. [21]

Though Kenya has not experienced many violent conflicts on a large scale like most of its neighbours, there has been a lot of ethno-political re-alignment for power since independence. These ethno-political re-alignments can be traced to colonial rule whose policy encouraged Africans to form local and ethnic based parties, so as to limit their influence. As a result, these parties drew their legitimacy from their respective ethnic groups. Therefore at independence, the two main political parties which participated in May 1963 general elections were merely conglomeration of ethnic associations. In 1966, ethno-political re-alignments worsened in Kenya after Kenya People's Union (KPU) under Oginga Odinga was formed as the opposition party. Since then, the Kenyan politics has been majorly shaped by ethnicity rather than ideology.

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[20] Mamdani, M. *Citizens and Subjects: Contemporary Africa and the Legacy of Late Colonialism*: Princeton University Press, 1996, pp 20-44

[21] Newbury, C*, African Studies Association*, *Paradoxes of Democratization in Africa*, Vol.37, No. 1 (Apr 1994), pp. 7-13

Many studies in the past have demonstrated that ethnic heterogeneity in a country negatively affects the quality of governance by increasing the probability of ethnic based conflicts. LaPorta links ethnic diversity to compromised quality of governance,[22] while Fish and Brooks demonstrate that ethnic diversity destabilizes a democracy.[23] Sambanis also underscores that ethnic heterogeneity within a state increases the possibility of violent conflicts.[24] However, recent studies views ethnic diversity as an asset that is pertinent for meaningful development. Yieke for instance depicts that different ethnic groups in Kenya have diverse strengths which can be harnessed to promote the common good of the country.[25] This study therefore argues that ethnic diversity *per se* is not bad. However, the politicization of ethnicity by elites culminates into lack of inclusive governance or perceptions of lack of inclusivity which promotes conflicts. The study thus contributes to the widening debate on conflicts in Africa by demonstrating that if politicized ethnicity is addressed, there would be less conflicts, improved governance and national development in most African countries including Kenya.

1.2 Statement of the research problem

Despite more than five decades of sustained efforts to promote nationhood in African states by various leaders, politicized ethnicity remains a common governance challenge in the continent. An assessment of the nature of politics in several African countries today depicts that politicized ethnicity is widespread in many countries despite the efforts of leaders such as Kwame Nkrumah of Ghana, Julius Nyerere of Tanzania and Nelson Mandela of South Africa

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[22] LaPorta, R. et al, *The Quality of Government*, (United Kingdom: Oxford University Press, 1999), pp. 222-280

[23] Fish, M.S and Brooks, R.S, Does Diversity Hurt Democracy? *Journal of Democracy*, Vol. 15, No. 1 (2004), pp. 154-166

[24] Sambanis, N. Do Ethnic and Non-ethnic Civil Wars have the same Cause? *Journal of Conflict Resolution*, Vol. 45, No. 3 (June 2001), pp. 259-282

[25] Yieke, F. Ethnicity and Development in Kenya: Lessons from the 2007 General Elections, *Kenya Studies Review*, Vol. 3, No. 3 (2010), pp. 5-16

among others who advocated for nationhood.[26] The politicized ethnicity which is quite prevalent in Africa promotes lack of inclusive governance, which threatens peace in many countries. From Angola in South West, Zambia and Democratic Republic of Congo in the South, South Sudan, Rwanda and Burundi in East Africa, Sudan in North-West, Liberia, Nigeria and Sierra Leone in West Africa and the Central African Republic among others, politicized ethnicity remain dominant despite efforts such as decentralization, power sharing and various political and economic reforms .[27]

Though some countries like Tanzania and Botswana have registered some significant progress in easing politicized ethnicity, most African countries including Kenya have faced enormous challenges related to the role negative ethnicity plays in politics. The post-independence government in Kenya for instance pledged to promote nationhood by availing equal opportunities, eliminating exploitation and promoting inclusive politics that would make one's ethnicity irrelevant.[28] However, five decades after independence, negative ethnicity continues to play a vital role in Kenyan politics as leaders surround themselves with their ethnic kins.[29] The first President of Kenya surrounded himself with elites mainly from the Kikuyu, alienating elites from other ethnic groups. After Presidents Daniel Arap Moi and Mwai Kibaki took over power, politicized ethnicity exacerbated as the leaders whipped ethnic emotions for their own political survival.[30] Kenyan politics thus revolves around ethnicity, where the

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[26] Jinadu. L.A, *Explaining and Managing Ethnic Conflict in Africa: Towards a Cultural Theory of Democracy*, Vol.9, No.1 (June 2004), pp.1-26.

[27] Blanton. R, et al, Colonial Style and Post-Colonial Ethnic Conflict in Africa, *Journal of Peace Research*, Vol.38, No.4 (Jul., 2001), pp. 473-491

[28] Kenya. Ministry of Economic Planning and Community Affairs*: Sessional paper No. 10 of 1965*, *African Socialism and its Application to Planning in Kenya*, pp. 1-10

[29] Stiftung, F.E, *Regional Disparities and Marginalization in Kenya*, Nairobi Elite Pre Press Ltd (2012), pp. 46-66.

[30] Korwa G.A and Munyae M.I, *Human Rights Abuse in Kenya Under Daniel Arap Moi,* 1978-2001, African Studies Quarterly, Vol. 5, No. 1, 2001. Pp.1-7

Presidency benefits elites from his co-ethnic more compared to elites from other ethnic groups.[31] In turn, the citizens support and vote for leaders from their ethnic group to show solidarity. This amplifies ethnic fragmentation and tension, a development that promotes exclusion, poor governance, human rights violations and subsequently conflicts.

Though there is substantial literature separately on politicized ethnicity and conflicts, little is known about the nature of politicized ethnicity and the role it plays on conflict. This study therefore sought to contribute to the increasing debate on politicized ethnicity and conflict by examining the nature and the role politicized ethnicity plays on conflict in Africa and Kenya in particular, hence the question: What is the role of politicized ethnicity on conflict in Africa and Kenya in particular?

1.3 Research Questions

The broad question this study sought to answer was: what is the role of politicized ethnicity on conflict? Stated differently, does politicized ethnicity play any role in fueling or alleviating conflict? To help answer this broad question, this study attempted to answer the following five specific questions:

1. How does politicized ethnicity manifest, and influence conflicts in Africa?

2. What is the nexus between politicized ethnicity, governance and conflict in Kenya?

3. What is the impact of politicized ethnicity on resource distribution and subsequently conflict in Kenya?

4. How does politicized ethnicity impact on human rights in Kenya?

5. How effective is the existing framework for addressing politicized ethnicity in Kenya?

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[31] National Cohesion and Integration Commission: *Towards National Cohesion and Unity in Kenya: Ethnic diversity and Audit of the Civil Service*, vol.1, 2012, pp.5-7.

1.4 Objectives of the study

The general objective of this study was to examine the role politicized ethnicity plays on conflicts.
The specific objectives of the study were to:

1. Assess the nature and the role played by politicized ethnicity on African conflicts;

2. Examine and analyze the nexus between politicized ethnicity, governance and conflict in Kenya;

3. Critically Investigate the extent to which politicized ethnicity affects resource distribution and subsequently conflict in Kenya;

4. Explore the effects of politicized ethnicity on human right violations in Kenya;

5. Evaluate and analyze the legal, policy and institutional framework for addressing politicized ethnicity.

1.5 Justification of the study

Research on politicized ethnicity and conflict in Africa is still inadequate. This is because many studies have tackled these two concepts: politicized ethnicity and conflict, as different entities with little attempt to show their nexus. As a result, there is insufficient understanding of the role politicized ethnicity plays on conflict. This study has therefore made contribution to the existing literature on politicized ethnicity and conflict by availing data that shows the nexus between these two variables. The study has demonstrated the effects of politicized ethnicity on national cohesion, governance, resource distribution, individual perceptions and human rights. It has identified politicized ethnicity as a variable that if addressed would promote Kenya's economic development, good governance and lessen conflict.

Furthermore, this study is of great significance to ordinary citizens since it recommends practical steps that ought to be taken to promote inter-group cohesion. This can potentially change the attitudes and stereotypes that some political elites use to promote negative ethnicity. The study is also pertinent to those involved in civic education and Kenyan curriculum developers, since it will help them come up with a curriculum which addresses ethnic stereotypes and promotes issue based politics in the country.

Finally, the main findings of this study have powerful implications for policy. Policy makers in both private and public institutions would possibly use the findings of this study to draft policy papers that focuses on addressing the problem of politicized ethnicity. Policy makers will also use this study to draft papers that would be used to shed more light on the best way to manage ethnic-based conflicts especially those that emanate from exclusion. It is therefore the contentions of this study that, the eradication or at least the reduction of ethnic-based politics and subsequently exclusion is of immense value especially to the African continent and in particular Kenyan economy and ultimately the people.

1.6 Literature Review

This section thematically reviews and discusses the literature that is pertinent to this study. Here, the review is done in four parts as follows: First, is the review of the genesis of politicized ethnicity in Africa, demonstrating how such politics has evolved over time. The second part revolves around the review of literature on ethnic based politics and conflict with a few case studies that demonstrate that politicized ethnicity affects governance in African continent. Furthermore, the literature review explores on ethnic based politics and conflicts in Kenya. Finally, the literature review delves on theoretical literature that is relevant to this study where a number of theories have been analyzed.

1.6.1 Genesis of politicized ethnicity in Africa

Politicized ethnicity in many African societies is often traced back to the colonial period where colonial systems of administration encouraged ethnic based political associations. During this period, African political parties were limited to the local level so as to control African's influence at the national level.[32] This system of governance endorsed ethnic based politics and subsequently exclusion that provoked liberation wars in many African countries. Though towards independence the colonialist allowed African political parties at the national level, ethnicity had already been deeply entrenched within these parties. After independence, colonial systems of administration were inherited by African leaders, who used them to further politicize ethnicity and exclusion.[33] For instance, the ethnic groups that were unable to assimilate in French colonies were disadvantaged in many ways after the attainment of independence. This is because the state machinery were taken control and used by the previously assimilated elites in order to assert their supremacy within the post-colonial states. The group in power used its control of the civil service positions to monopolize both the national politics and also the local authorities.[34] These elites particularly used ethnicity as a political tool to mobilize and gain legitimacy.

After the independence of many British colonies, most of the new African leaders who represented certain ethnic communities recruited their kith and kin, mostly from their ethnic groups, in key government positions. This enabled these new leaders to easily monitor and suppress the activities of rebel members from the disgruntled ethnic groups before they could challenge the status quo.[35] This enhanced the political dominance as well as economic power of

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[32] Olukoshi, A.O, *The Politics of Opposition in Contemporary Africa,* (Stockholm: Elanders Gotab Publishers, 1998) p. 42

[33] Van Wyk, J.A, *'Political leaders in Africa: Presidents, Patrons or Profiteers?'*, Occasional paper series, Vol.2, no. 1, The African Center for the Constructive Resolution of Disputes (ACCORD), South Africa (2007), pp.12-17.

[34] Blanton, R.T, et al, Colonial style and Post-Colonial Ethnic Conflicts in Africa, *Journal of Peace Research*, Vol. 38, No. 4 (Jul. 2001), pp. 473-475.

[35] Ibid pp. 476-7.

the ruling class at both the local and national levels. The ruling class accumulated a lot of resources that enabled them to impose their dominance while at the same time denying the excluded ethnic groups the resources needed to sustain a challenge to the state.[36] This caused a lot of dissent among the subordinate group which in some cases culminated in violent conflicts.

After the decolonization of the African continent, most of the new leaders politicized ethnicity within the first decade of independence so as to have constituencies of loyal supporters from their co-ethnics. Many regimes disbanded opposition political parties and detained or assassinated some of their leaders so as to completely eliminate opposition to their corrupt regimes. The resulting single party system was used as an apparatus for shaping popular opinion.[37] In Kenya for instance, opposition parties had been banned and most of its members detained, while in Sudan, the environment was ripe for civil wars by early 1970s. The idea of political participation was opposed not only by the leaders of the newly independent states, but also by some scholars such as Samuel Huntington who presented his counter thesis arguing that capacity building of various institutions precedes political participation. He however pointed out that high degree of political pluralism is a threat to the weak institutions of newly African states.[38]

Politicized ethnicity in many countries was illustrated by limited official involvement of elites from some groups in central government and lack of proper channels of participation in governance by diverse ethnic groups. Nevertheless, after the international and domestic pressure intensified in late 1980s and early 1990s demanding for political pluralism, a number of African countries espoused formal political participation so as to avoid more negative effects of informal

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[36] Ibid p.480

[37] Tordoff, W. *Government and Politics in Africa*, (London: Macmillan Press Limited, 1993), pp.4-6

[38] Chazan, N, Comparative Politics, *The new Politics of Participation in Tropical Africa*, Vol.14, No. 2 (Jan 1982) pp. 170-176

politics. Many regimes however placed a lot of limitations on these reforms making it difficult to have a free, fair and competitive politics.[39] This led to increased frustrations among some ethnic groups, culminating in the mushrooming of ethnic based political parties. [40]

Pearl Robinson points out that to consolidate democracy, there is a need to promote broad political participation and representation of diverse ethnic groups. Robinson argues that failure to promote political participation has intensified violence in many countries as different ethnic groups react because of the exclusion or perceived exclusion from the state institutions.[41] He highlights that regimes should attend to popular needs, as underscored by some civil society groups, in order to consolidate democracy.[42] Politicized ethnicity, which culminates into ethnic-based exclusion and failure to attend to the needs of all citizens, as argued by Robinson breed conflicts since in such an environment, people are unable to attain their full potential.

An analysis of some African countries demonstrates that politicized ethnicity has been promoted using a variety of strategies such as exclusive citizen laws. Many African leaders have for instance used this strategy by labeling their political opponents as "foreigners" consequently excluding them from participating in elections. In 1993, President Henri Konan Bedie of Cote d'Ivoire introduced a policy of Ivoirite that allowed only people whose parents were natives to contest for presidency. This policy disqualified Alassane Ouattara, a northern opposition figure from contesting for presidency in 1995 elections since one of his parents was from Burkina Faso.

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[39] Ibid, p. 180
[40] Ibid p. 178
[41] Mansfield, E.D. and Snyder, J, *'Turbulent Transitions: Why Emerging Democracies Go to War in the twenty-first Century',* in Leashing the Dogs of War: Conflict Management in a divided World, United States Institute for Peace, Washington D.C (2007), pp.161-176.
[42] Newbury, C, African Studies Association, *Paradoxes of Democratization in Africa*, Vol.37, No. 1 (Apr 1994), pp. 1-8

Even though this policy made Bedie easily win the election, he was later overthrown in 1999 by General Guei due to the growing resentment among the opposition. [43]

President Frederick Chiluba of Zambia also labeled many of his political competitors as "foreigners". This led to the deportation of John Chinula and William Banda, a former central committee member and a former district governor respectively to Malawi where Chiluba claimed was their country of birth. Furthermore, Chiluba attempted unsuccessfully to deport Kenneth Kaunda, former president, who was seen as a threat to his regime.[44] Even if these strategies frequently targets individual politicians, they can often be legitimized as a result excluding the whole ethnic group. Such environment promotes political instability especially if the excluded group is populous and alienated. Although these strategies do not necessarily violate democratic norms, they negatively affect democratic consolidation by restraining the spirit of competition that should characterize true democracy.[45]

1.6.2 Politicized ethnicity and Conflict

Politicized ethnicity has been a major feature in the world politics, a development that has undermined inclusivity and provoked conflicts in many states. This has subsequently put the survival of many states at risk.[46] Many countries especially in Africa are grappling with the challenges posed by politicized ethnicity which not only threaten to tear down states, but have also made the consolidation of democracy almost impossible. Indeed, no country appears immune to these challenges as the contagion seems most generalized in Europe while quite

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[43] Whitaker, B.E, Citizens and Foreigners: *Democratization and the Politics of Exclusion in Africa*, Vol. 48, No. 1 (Apr., 2005) pp. 109-120.
[44] Ibid pp. 122-124.
[45] Ibid pp.124-126
[46] Duberman, M. African-American Review, *Left out, The Politics of Exclusion*: Essays 1964-2002, Vol. 37, No. 3, (Summer-Autumn, 2003), pp. 471-482.

devastating in Africa where it has torn down countries as it happened in Somalia and Rwanda in early 1990s.[47]

Politicized ethnicity is exacerbated when the elites of the politically dominant ethnic group abuse power by providing state benefits to their co-ethnics. The dominant ethnic group(s) in such cases uses ethnicity as the device for exclusion and mobilization where the group in power redistributes resources to their members. Besides, it is common especially in Africa for the group in power to design policies that expropriate ethnic losers and prevent them from enjoying state sanctioned programs.[48] This further creates conducive environment for politicized ethnicity and subsequently conflicts to flourish.

In many third world countries, politicized ethnicity has often resulted in exclusion of ethnic minorities where their values, goals and aspirations are disregarded by modern state. This provokes politics of rebellion among the affected groups which mutate into violent conflicts if the political channels to voice their interest are weak.[49] Additionally, ethnic-based politics has been exacerbated by the fact that the world is a competitive place where ethnicity is used in many places as a tool for mobilizing people and building coalitions that are used to get power and control the scarce resources. Thus, politicized ethnicity which negatively affects many ethnic groups especially the minorities is a global concern as demonstrated by the struggles of the Kurds, Kashmir's and Tamils among others who exact a high price in human and material terms.[50]

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[47] Szeftel. M. *Ethnicity and Democratization in South Africa*, Review of African Political Economy, Vol. 21, No. 60, (Jun., 1994) pp. 185-199.
[48] Franck R, and Rainer. I, *Does the Leader's Ethnicity Matters? Ethnic Favoritism, Education and Health in Sub-Saharan Africa,* Vol. 106, No. 2, (May 2012), pp. 294-325.
[49] Carment. D. *Modeling Ethnic Conflict: Problems and Pitfalls*, Vol. 16, No. 2, (Sep., 1997), pp. 249-251
[50] Eifert, B. et al, *Political Competition and Ethnic Identification in Africa*, Vol. 54, No. 2 (April 2010) pp. 494-510.

Politicized ethnicity was quite widespread during Rafael Leonidas Trujillo's regime from 1930 to 1961 in the Dominican Republic. Trujillo for instance endorsed Indian as the national language and at the same time promoted a perception of anti-Haitianism which viewed Indians to be civilized and modern while their Haiti counterparts were considered to be poor and primitive. Trujillo's ethnic based politics promoted unequal enjoyment of political rights and social status among diverse ethnic groups. For instance, public spaces were reserved for the light-skinned elites.[51] Anti-Haitianism culminated in the killing of more than 25,000 Haitians in 1937 and other violent attacks on Haiti including the 2005 violent attacks on the Haitian community. To date, the regular deportations of Haitians born in the Dominican Republic garner popular support from Indians despite the fact that they have constitutional rights to citizenship.[52]

In Eastern Chiapas in Mexico, politicized ethnicity became widespread after various groups of different ethnic identities settled in Central highland in 1970s. These groups included colonist from Central and Northern Mexico and other immigrants who settled in the highland that already had a significant number of Indians. In 1980s, the immigrants who had settled in the highland together with other settlers formed unions as alternative to the peasant organizations of the Mexico's Institutional Revolutionary Party (PRI), then the ruling party, due to marginalization by the national government. Later, the peasant organizations aligned themselves with the political parties in the opposition, a move that provoked repression from the government. This in turn has led to several conflicts including the 1994 Zapatista uprising where poor farmers and other marginalized groups rebelled against the government.[53]

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[51] Ibid, pp. 6-8.
[52] Martinez-Vergne, T, Modern Dominicanidad: *Nation-building and Politics of Exclusion in Santo Domingo since 1880s, A tale of two Cities: Santo Domingo and New York after 1950, Nation and Citizen in the Dominican Republic*, 1880-1916, Vol. 33, No. 2, (June, 2009), pp. 209-217.
[53] Collier G.A, *The New Politics of Exclusion: Antecedents to the Rebellion in Mexico*, Vol. 19, No. 1, (1994), pp.1-17.

In Rwanda, politicized ethnicity was extremely rampant prior to the 1994 genocide. Though multiparty politics had been introduced in this country in 1991, the focus of various political parties was on the interests of their ethnic groups rather than on issues that affected most citizens such as joblessness among the youth, internally displaced people and insufficient food. Ethnic polarization between the Hutus and Tutsis was deepened as several thousands of people especially the Tutsi were accused of having links with Rwandan Patriotic Front rebels and consequently imprisoned. [54] The local leaders took advantage of the prevailing ethnic polarization and incited youth, provoking intermittent conflicts that culminated into the 1994 genocide.[55]

The political developments in Rwanda demonstrate that even after the genocide ended and RPF[56] formed the government, there has been persistent ethnic based politics. For instance, eight thousand Hutus were massacred at Kibeho, Rwanda in April 1995 while at the same time distinguished Hutus were fired from the government without a good reason.[57] Furthermore, the Rwandan army assisted by Uganda and Burundi soldiers, and Zairian rebels invaded Zaire in October and November 1996 in order to close the refugee camps in Kivu and ultimately overthrow President Mobutu Sese Seko.[58] This culminated in the deaths of thousands of refugees who were mostly Hutus and though the government of Rwanda denied being involved, international actors know very well the role Rwanda played.

In many post-independent African countries, most leaders engaged in ethnic politics by consolidating power and resources in their own ethnic groups. This resulted in ethnic inequality

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[54] Newbury, C, African Studies Association: *Suffering and Survival in Central Africa*, Vol. 48, No. 3 (Dec., 2005) pp. 121-132.
[55] Ibid 129-131
[56] RPF is a Political Party that formed the Government in Rwanda after Genocide; an acronym for Rwandan Patriotic Front.
[57] Ibid 132
[58] Ibid 132

and subsequently conflict as the marginalized group(s) fought to change the status quo. In Ethiopia for instance, a movement for ethno linguistic inclusion and equality emerged in response to the widespread politicized ethnicity which promoted exclusion. This movement's core mandate was to pursue a more democratic and inclusive political structure that could address the needs of various ethnic groups. However, the question of nationalities and exclusion remains salient in Ethiopian politics to date.[59]

Politicized ethnicity frequently fuels ethno-nationalist conflict.[60] This is because such politics promotes ethnic mobilizations by both the governing elites and the affected groups who feel underrepresented in the government. Consequently, such excluded groups mobilize as they demand for inclusion as it happened in South Africa during the Apartheid rule. Adebo further demonstrates the dangers of exclusion by arguing that failure to address socio-economic inequalities by the state leads to the violation of the political rights of the affected groups. Therefore, this shows that a just, inclusive and transparent system of governance is crucial in alleviating deep-rooted dissatisfaction amongst various ethnic groups that frequently leads to conflicts.[61] Furthermore, the under-representation of some ethnic groups in governance sometimes compels the affected group(s) to demand for the formation of a new state where their co-ethnic is the dominant group.[62]

In 1990s, economic decline in Liberia and Sierra Leone created economically excluded groups especially among the youth. As a result, the leaders of these two countries who were on

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[59] Smith, L, *Voting for an Ethnic Identity: Procedural and Institutional Responses to Ethnic Conflict in Ethiopia*, Vol. 45, No. 4 (Dec., 2007), pp. 565-594.

[60] Cederman, et al, *Ethno nationalist Triads: Accessing the Influence of kin Groups on Civil wars*, World Politics, Vol.61, no. 3. (2009), pp.403-437

[61] Adebo, T, *Post-conflict Peace building and Prospects for democracy with reference to Africa*, (Sweden: Life and Peace Institute, 2005) pp.19-23.

[62] Buhaug, H, et al, Disaggregating Ethno-Nationalist Civil Wars: *A Dyadic Test of Exclusion Theory*, Vol. 62, No. 3 (summer, 2008), pp.531-542.

the verge of losing power engaged in ethnic politics for survival, leading to popular prejudices. Economic decline coupled with politicized ethnicity in these countries led to the emergence of ethnic militias who were mostly ill-educated young people who were alienated from the state authority. These militias in turn developed limited ideologies, revolutionary ideas and ethnic propaganda that they used to advance their criminal activities and subsequently conflicts.[63]

Adejumobi observes that the nature of politics in some countries institutionalizes ethnic entitlement, rights and privileges which sometimes encourage exclusion. He points out that ethnic identity as opposed to citizenship determines who gets what, when, how and how much within the state. He cites Nigeria as an example, which has a constitutional provision known as *Federal Character Principle,* where ethnic formula is used for allocating public goods. Although this provision was meant to ensure equal opportunities to all ethnic groups, it has been largely counterproductive since it uses ethnic identity as the basis for state entitlement and social rights. Consequently, when gaining access to state, one does not relate to the state as a citizen but as a member of ethnic group, thus, the central state has become an arena for ethnic contest where the dominant ethnic groups excludes the minority, thus denying them the benefits of citizenship.[64]

Politicized ethnicity is non-accommodative in nature. This is because the elites from the ruling ethnic groups enjoy the access to state jobs and resources while excluding elites from other ethnic groups. In such a situation, the excluded elites mobilize their co-ethnics to resist the regime in power due to their deteriorating economic and political situation. This in turn provokes the incumbent to weaken all independent sources of power so as to rule without many challenges. Migdal points out that the fear of rivals encourages the incumbent to weaken the state

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[63] Allen C, *Warfare, Endemic Violence and State Collapse in Africa*, Review of African Political Economy, Vol. 26, No. 81, Violence and Conflict Resolution in Africa (Sep. 1991), pp. 367-384.

[64] Adejumobi, S, *Citizenship, Rights and the Problem of Conflicts and Civil Wars in Africa*, Vol. 23, No.1 (Feb., 2001) pp. 148-170

institutions that are so critical in institutionalizing their authority, form coalitions of convenience and endeavors to get rid of, control or co-opt opposition, a development that fuels conflicts.[65]

Conversely, Berman points out that since the late 1990s, the pressure for democratization in African continent culminated in increased politicized ethnicity and later conflicts. He asserts that under multiparty politics, politicians from both the ruling and the opposition parties seek the support of ordinary citizens by mobilizing co-ethnics, a situation that leads to ethnic divisions.[66] Collier and Hoeffler on the other hand demonstrate that ethnic divisions and the relative size of the excluded groups determine the probability of civil war. Gellner and Greenfield discusses the impact of exclusion on conflict by asserting that conflicts provoked by ethnicity often erupt when minority groups are unable to achieve their full potential due to structural violence.[67]

This section has demonstrated that politicized ethnicity limits the affected individuals from participating fully in political and social life. It also promotes the deprivation of economic opportunities in some sections of the population, a development that negatively affects these groups by breeding discontent among them. This is due to the fact that politicized ethnicity culminates in ethnic mobilizations especially during campaigns. Subsequently, the elites are forced to reward their co-ethnics after campaigns thus tilting employment patterns, access to resources and access to education among others in favour of their ethnic kins.[68] All these breed structural violence which often turns physical under the slightest provocation.

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[65] Bratton. M, and Walle. N. V, *Neopatrimonial Regimes and Political Transitions in Africa*, World Politics, Vol. 46, No. 4 (July., 1994) pp. 453-466.

[66] Berman. B, et al, *Ethnicity and Democracy in Africa*, Ohio University Press: James Curey, 2004, pp. 8-9.

[67] Gradstein. M, and Schiff. M, *The Political Economy of Social Exclusion with Implications for Immigration Policy*, No. 1087, (March 2004) pp. 1-22.

[68] Peace. R, *Social Exclusion: A Concept in Need of Definition?* Social Policy Journal of New Zealand, No. 16, (July 2001) pp. 21-33

1.6.3 Politicized ethnicity and conflict in Kenya

Most of the conflicts that have been experienced in Kenya since independence can be linked to the politicization of ethnicity. As pointed out by Oyugi, immediately after independence in 1963, there was ideological conflict between the minority ethnic groups in KADU, the opposition party that drew its support from Luhya, Coastal, Kalenjin and Maasai tribes and majority ethnic groups in KANU, the ruling party that had its support from Kikuyu and Luo communities. While KADU advocated for a *majimbo* government which they believed would take care of the interests of the minority ethnic groups, KANU supported a centralized government. This ideological difference culminated in the intimidation and harassment of KADU leaders and their supporters, leading to its collapse in 1964.[69] This allowed Kikuyu and Luo ethnic groups who then dominated KANU to monopolize politics, a development that enabled them to advance centralized governance which excluded some ethno-regions from socio-economic development.

Between 1964 and 1966, there was intra-KANU confrontation between the left and right wing led by Jaramogi Oginga Odinga and Jomo Kenyatta respectively, that culminated in the formation of KPU[70] in 1966. KPU enjoyed political support mainly from Luo and Luhya ethnic groups while the KANU government maintained its support base among Kikuyu, Embu and Meru. Immediately after KPU was formed, there was a constitutional amendment that deliberately frustrated the opposition making their members lose their parliamentary seats. Besides, KPU members suffered a lot of harassment that included detention by the government, before the party was disbanded in 1969. Though KANU-KPU conflict began as an ideological

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[69] Oyugi, W.O, *Politics and Administration in East Africa*, (Nairobi: East African Educational Publishers, 1994) pp. 157-160

[70] KPU is an acronym for Kenya People's Union

confrontation, it quickly mutated into ethnic conflict.[71] As a result, negative ethnicity heightened particularly between Luo and Kikuyu, a situation that intensified perceptions of exclusion among the Luo ethnic group since several of their prominent leaders had been arrested.

By 1978 when President Kenyatta died in office, GEMA communities who were perceived to be close to the incumbent were in conflict with other communities in Kenya. As a result, President Daniel Arap Moi took over power in 1978 with a promise of promoting political participation of diverse ethnic groups. However, Moi consolidated power by whipping ethnic emotions which led to marginalization of the political elite who had campaigned against him. Moi reversed the gains these political elite had made under President Kenyatta, a development that caused a lot of dissent among these elites. In 1990s, the rise of multi-party movement increased politicized ethnicity which led to anti-GEMA conflicts mostly in form of land clashes as attempts were made to evict them from Rift Valley and coast regions where they had been settled by Kenyatta Regime.[72]

When President Mwai Kibaki came into power in December 2002 under the National Alliance Rainbow Coalition (NARC), he abandoned the coalition's Memorandum of Understanding (MoU) that highlighted the power sharing agreement among the coalition partners. In addition, Kibaki government marginalized the Liberal Democratic Party (LDP), one of the partners of the coalition and instead invited some senior KANU members into the government. Kibaki's government finally acquired an ethno-regional bias just like that of President Kenyatta and Moi since it was controlled by politicians from Mount Kenya Region.[73] Consequently, the marginalized LDP and other disgruntled politicians campaigned against the

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[71] Op cit, Oyugi, pp. 150-175

[72] Wanyande, P, et al, *Governance and Transition Politics in Kenya,* (Nairobi: University of Nairobi Press, 2007) pp.11-15.

[73] Murunga, G.R and Nasong'o, S.W, *Kenya: The struggle for Democracy*, (New York: Zed Books Ltd Publishers, 2007) pp. 9-10.

proposed new constitution in 2005 and later formed Orange Democratic Movement (ODM) party, a formidable opposition party that challenged the government during the disputed 2007 general elections that culminated into skirmishes. All these political developments in the country heightened politicized ethnicity, leaving the country extremely polarized.

Muhula points out that the skirmishes that erupted following the 2007 disputed election exposed serious past grievances in Kenya, as a result polarizing the country along ethnic lines. He asserts that elections in Kenya are highly emotive since the ethnic groups who attain political power enjoy exclusive advantages such as economic and other resources of the state. Therefore, one's ethnic identity determines the socio-political and economic benefits one is likely to get from the state.[74] Consequently, elections in Kenya are considered to be essential vehicles for transfer and control of state resources to preferred ethno-regions.[75] The widespread exclusion in the Kenyan society has made politics to be highly ethinicized since the ethno-region that produces a powerful politician is more likely to benefit in terms of development for instance construction of hospitals, roads, schools, or employment opportunities.[76]

Though 2010 Kenyan constitution contains a number of provisions that safeguard against ethnic exclusion which is easily politicized, it also creates new avenues that can potentially be used to propagate exclusion. Some of the provisions that safeguards exclusion includes Article 54(2) which recognizes the rights of persons with disability; Article 56 which provides for affirmative action meant to speed up development among the minorities and the marginalized in Kenya; Article 177 that requires minorities to be represented in the county assemblies; Article

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[74] Kaldor, M. and Luckman, R. 'Global Transformations and New Conflicts', *IDS Bulletin*, Vol. 32, no. 2 (2001), pp. 48-59.

[75] Muhula, R. Horizontal Inequalities and Ethno-regional Politics in Kenya, *Kenya Studies Review*, Vol. 1, No. 1, (Dec., 2009) pp.85-100

[76] Lynch, G. Negotiating Ethnicity: Identity Politics in Contemporary Kenya, *Review of African Political Economy*, Vol.33, No. 107, (2006) pp. 49-665.

201(b)(iii) which underscores equitable development of the country by making special provision for marginalized groups and Article 204 that establishes equalization fund for the hitherto excluded regions in the country.[77] However, devolution creates minorities at the county level due to different ethnic groups' numeric strength. Besides, Kenya's devolved system makes it difficult for the national government to address exclusion at the county level.[78] Thus, politicized ethnicity in Kenya is today as widespread in the counties as it is at the national level.

Inclusive government remains an illusion in Kenya since the state serves the interests of the incumbent regime. This has resulted in rivalry among diverse ethnic groups for the state control as evidenced by the ethnicized nature of Kenyan politics. This situation has promoted ethnic fragmentation and subsequently persistent ethnic conflicts in the country.[79] The rivalry for the control of state resources has resulted in political parties which are highly ethinicized with each ethnic community supporting a party led by their own. Therefore, elections in Kenya generate a lot of conflicts that mostly involve ethnic blocs. For instance, 1992, 1997 and 2007/8 post-election skirmishes were all ethnic based conflicts.

Maria Nzomo argues that some countries in Africa including Kenya experienced a co-opted transition to democracy as pointed out by Guy Martin. She asserts that in such democracies, though the multiparty elections are allowed, the incumbent fraudulently defeats the opposition through electoral manipulations, gagging of the media and due to their immense financial resources.[80] Conversely, Oyugi argues that the administrations of Kenya's first and second President were highly centralized and personalized, a development that made political

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[77] Constitution of Kenya, 2010

[78] Korir, S.A, Kenya at 50: Unrealized Rights of Minorities and Indigenous Peoples, *Minority Rights Group* 2012, pp. 1-24

[79] Dibie, R. *The Politics and Policies of Sub-Saharan Africa,* (Boston: University Press of America, 2001) pp. 120-125.

[80] Nzomo, M, A Derailed Democratic Transition: Elections in a Multiparty Context in Kenya, J.O, Onyango, et al, *Law and The Struggle for Democracy in East Africa* (Nairobi: Claripress Limited Publishers, 1996) pp.585-600.

participation in governance quite difficult. He argues that citizens were consistently denied their right to elect their preferred leaders since the electoral processes were highly controlled.[81] Politicized ethnicity was widespread during this period, a situation that led to various strikes which demonstrated the extent of the dissatisfaction many citizens endured.

Bujra underscores Nzomo's and Oyugi's arguments by noting that Kenya is not yet a liberal democracy. He points out that the domestic and international community's efforts to promote democracy have culminated into minimal democracy which serves the interest of the local elites and international community. Consequently, he asserts that minimal democracy has heightened problems for most citizens in the country by intensifying politicized ethnicity which promotes conflict and insecurity.[82] Minimal democracy has culminated in conflict and insecurity since it has heightened politicized ethnicity which ignores the needs of the majority of citizens.

Weber observes that lack of political inclusivity promotes a sour relationship between the diverse ethnic groups due to the conflicting interests between them. This is because the dominant group(s) seeks to exploit the subordinate group, while the subordinate group(s) strives to change the status quo. These groups use ethnic identity as a tool for political mobilization, a situation that intensifies ethnic fragmentation. Weber further points out that in such environment; the subordinate group is usually seen as weak human beings who deserve a lesser share of the resources in the society. Such a relationship escalates conflict since the subordinate group aggressively resists repression and devaluation from the dominant group. Since the subordinate group lacks the institutional power to change the system, it uses other forms of personal power

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[81] Oyugi, W.O, et al, *The Politics of Transition in Kenya from KANU to NARC*, Nairobi: Heinrich Boll Foundation, 2003, pp. 345-358.

[82] Bujra, A, Democratic Transition in Kenya: *The Struggle from Liberal to Social Democracy*, Nairobi: Heinrich Boll Foundation, 2005, pp.36-37.

and collective action to resist unfair treatment.[83] This paints the picture which has been prevalent in Kenya since independence where some ethno-regions have suffered exclusion, a development that exacerbated ethnic politics in the country.

Kanyinga asserts that appointments to key senior government offices have consistently favored certain ethno-regions since the time of colonial administration, the Kenyatta, Moi and Kibaki regimes. Consequently, he observes that some ethno-regions are collectively poorer in comparison to others since they lack adequate opportunities for improving their welfare and have fewer services to enjoy. Kanyinga for instance contends that the former Central Province is better off when compared to other provinces in terms of the availability of opportunities and wealth. Conversely, he cites former North-Eastern and Coast provinces as the poorest in comparison to other provinces due to the fewer opportunities in these ethno-regions.[84] Such ethno-regional disparities have played a significant role in exacerbating politicized ethnicity in the country.

Makoloo complements Kanyinga's argument by asserting that the post-independent government in Kenya underscored economic growth while at the same time failed to promote redistribution policies. This promoted politicized ethnicity, a move that exacerbated negative ethnicity in the country. He also argues that Africanization process amplified negative ethnicity which determined the likelihood of one's success in acquiring jobs in the public service and other senior government appointments. During this period, the Kikuyu, the Embu and Meru acquired large pieces of land in the former white highlands.[85] This allowed them to dominate other ethnic groups, hence stoking tension between Kikuyu and other ethnic communities

[83] Weber. L, *A Conceptual Framework for Understanding Race, Class, Gender and Sexually*, *Psychology of Women*, Vol. 22, (1998), pp. 22-23.

[84] Kanyinga, K, Governance Institutions and Inequality in Kenya, in SID (ed) *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives*, Nairobi, 2006 pp. 1-12

[85] Makoloo, M.O, Kenya: *Minorities, indigenous peoples and Ethnic Diversity*, (2005) pp. 1-10.

especially in Rift valley. Furthermore, social, economic, and political alienation increased under Moi's regime due to his exclusionary policies, a development that encouraged the mushrooming of politicized ethnicity.[86]

The mediocre socio-economic and political positions some ethnic groups find themselves in have motivated the growth of politicized ethnicity. Ethnic groups that feel alienated promote politics of rebellion, while the group in power seeks to resist such rebellion. Coast region has for instance been in opposition due to their perceptions that the government has marginalized them. This situation has been worsened by land alienation coupled with the perceived exclusion of the coastal residents from employment in the public service.[87] Land alienation has increased poverty levels in Coast region and could perhaps be the reason for the mushrooming of politicized ethnicity in the region.

Politicized ethnicity has promoted lack of inclusivity in Kenya, subsequently hindering economic growth in many parts of the country. Some of the most affected regions include the arid and semi-arid areas, which have been excluded and thus lack development projects such as hospitals, tarmac roads, and even access to good public schools.[88] In addition, the excluded regions have suffered from poor economic growth, poor human rights record and high levels of insecurity.[89] Lack of inclusivity has also culminated in the increase in the number of idle youths who are in turn used by politicians to promote ethnic based politics and conflicts.[90]

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[86] Ibid p. 9

[87] Goldsmith. P, *The Mombasa Republican Council, Conflict Assessment*: Threats and Opportunities for Engagement, 2011, pp. 1-6

[88] Ghai .Y, Devolution: Restructuring the Kenyan State, *Journal of Eastern African Studies*, Vol. 2, No.2 (2008) pp. 211-226

[89] Waweru, M.N, "Determinants of Quality Corporate Governance in Sub-Saharan Africa*", Managerial Auditing Journal,* Vol. 29, No.5 (2014) pp. 455-485

[90] Forti, D. and Maina, G, *The Danger of Marginalization: An Analysis of Kenyan Youth and their Integration into Political socio-economic life*, No. 1 (2012) pp. 55-80.

Politicized ethnicity in Kenya has promoted exclusion in terms of both ethno-regional and intra-ethnic. As already demonstrated, ethno-regional exclusion is evident where for instance almost 100% of children in Central region attend primary school compared to 34% of children from North Eastern region. Conversely, intra-ethnic exclusion is apparent when most resources in the country are controlled by elites. For example, a number of poor people living in various slums in the country are Kikuyu despite the fact that Kenyan politics and the economy has been dominated for a long time by elites from Kikuyu ethnic group. In order to cover intra-ethnic exclusion, political elites politicize ethnicity making their co-ethnics believe that their suffering is due to other ethnic groups. While underscoring intra-ethnic exclusion, Holmquist and Mwangi assert that 50 percent of the Kenyan resources are controlled by the top 10 percent of the Kenyan population, while the bottom 20 percent of the population controls less than 2 percent of the resources.[91] This demonstrates that Kenya is indeed an extremely unequal society, a development that continues to undermine the consolidation of democracy in the country.[92]

1.6.4. Theoretical literature on ethnic conflicts

This section reviews some of the theories that explain ethnic conflict. Though these theories have weaknesses, hence unable to account adequately for the causes of ethnic conflict in isolation, each of them provides valuable explanations that helps in understanding ethnic conflicts. This section discusses three theories while the fourth one which guides this study is presented under theoretical framework. The three theories discussed here are Primordialist, Institutionalist and Constructivism theories.

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[91] Githinji, M and Holmquist, F. Kenyan's Hopes and Impediments: *The Anatomy of Crisis of Exclusion*, Vol. 2, No. 2 (July, 2008) pp. 344-360.

[92] Payne, R.J and Nassar, J.R, *Politics and Culture in the Developing World, Impact of Globalization*, New York: 2006, pp. 204-210.

Primordialist theory of ethnic conflict observes that ethnic identity is biologically ascribed, thus members get their identity from birth. According to this theory, ethnic ties are biological and as a result there are some natural connections with co-ethnics while at the same time there are some natural division with ethnic others.[93] This theory therefore views ethnic conflicts as emanating naturally from these divisions which are inherent in human nature. Thus, Primordialist theory asserts that there is nothing that can be done to prevent ethnic conflicts since they are inherently in human nature. This theory further counters the explanation of ethnic conflicts from the socio-economic and political perspectives. However, Primordialist theory is unable to explain why conflicts do not occur always if it is in human nature. Why are some multi-ethnic societies peaceful sometimes while other times in conflicts?

The other theory that seeks to explain ethnic conflict is Institutionalist theory. This theory points out that the strength of the institutions in place determines the probability of conflicts. For instance, the prospects of conflict are different in a state with strong democratic institutions compared to an autocratic system. This theory underscores that strong institutions of governance define rules of political engagement and distribution of resources. Such institutions further promote inclusion, a situation that remarkably reduces conflict. However, as argued by this theory, conflict is inevitable where there are weak institutions that are exclusive and do not hold leaders accountable. Thus, this theory highlights that institutions of governance are both a cause and consequence of ethnic conflicts.[94] However just like Primordialist, this theory is unable to explain why sometimes there are intermittent conflicts under the same institutions. Besides, this theory is silent on the role socio-economic and/or political factors plays in exacerbating or alleviating conflicts.

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[93] Geertz, C. The Interpretation of Cultures, (New York: Basic Books, 1973), pp. 1-20

[94] Crawford, B. The Causes of Cultural conflict: Assessing the Evidence , in Crawford, et al, *The Myth of Ethnic Conflict, Politics, Economics and Cultural Violence*, (Berkeley: University of California Press, 1998) p. 517

The other theory discussed in this section that seeks to explain ethnic conflicts is Constructivism theory. Wimmer, one of the proponents of this theory argues that ethnic identity is a social construct which is fluid in nature.[95] This theory points out that ethnic identity is fluid since it is not natural, inevitable or unchanging. Furthermore, this theory contends that ethnic identity can be constructed through colonization, immigration or any other social, economic or political process. Kaufman while discussing this theory observes that language, symbols, culture and history is significant for constructivists as they instigates and sustains inter-ethnic rivalry.[96] This theory thus asserts that ethnic identities are flexible as it changes with the kind of inter-ethnic interaction existing. Therefore, this theory considers ethnic conflicts to be a result of historical processes which have been socially constructed. This theory further acknowledges that though ethnicity is a social constructs, it can be institutionalized to acquire deep meaning and produce the same emotions just like Primordialist entities. The major weakness of this theory however is that it does not explain why conflicts occur at a specific period in history and not another. Besides, the theory does not explain why societies with similar historical process sometimes have different conflict histories

1.6.5. Summary of the gaps in the literature

Though the literature reviewed in this section demonstrates that politicized ethnicity discourages the growth of a freely competitive participatory politics, the review does not illustrate the role politicized ethnicity plays on conflicts. On the other hand, the review demonstrates that leaders must promote popular participation in order to consolidate democracy,

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[95] Wimmer, A. The Making and Unmaking of Ethnic Boundaries: A Multi-level Process Theory, *American Journal of Sociology,* Vol. 113, No. 4 (2008), pp.970-1022

[96] Kaufman, S.J. *Modern Hatreds: The Symbolic Politics of Ethnic War*, (Ithaca, N Y: Cornell University Press, 2001), pp. 12-41

lest legitimacy becomes a problem. The review however does not illustrate how politicized ethnicity affects government's legitimacy from the sections of population especially those opposed to the regime and later its effect on government's stability.

Second, the literature reviewed in this section reveals that politicized ethnicity promotes zero-sum game where the disadvantaged are excluded from not only economic opportunities but also political representation. However, the literature does not show what happens to the excluded group, how they are likely to react, their level of motivation, whether they are likely to engage in conflict or peace building? And why? Besides, the literature has delved on politicized ethnicity and conflict as two separate entities, with little regard on how these two variables relates, and under what conditions one can affect the other most.

Third, the review demonstrates that the 2007/08 post-election violence exposed deep historical grievances in Kenya and subsequently polarized the country along ethno-regional lines. However, it does not discuss what the Kenyan government has done so far in terms of reforms, and whether these reforms are able to mitigate future conflicts. The literature review further depicts that inclusive government remains an illusion in Kenya since the state serves the interests of the incumbent regime. Nonetheless, the literature does not explain what needs to be done to promote inclusive politics.

Fourth, the reviewed literature depicts that politicized ethnicity promotes uneven resource distribution which limits the excluded group from demanding their rights and gaining political power. This is due to the fact that the marginalized ethnic groups lack the necessary resources to claim their rights through the judicial system and/or gaining power through fair and free elections. However, the literature does not demonstrate the link between unaffordable judicial process, politics and conflicts. If for instance people are able to get their rights through judicial

process, are they still likely to result into conflicts? And how would this shape the politics of the country?

Finally, the theoretical literature reviewed in this section demonstrates that none of the theories of ethnic conflict sufficiently explain ethnic conflict in isolation. While Primordialist theory asserts that ethnic conflict is inevitable due to human nature, it does not explain why there are some periods of peace. Conversely, Institutionalist theory which observes that prospects of conflict is determined by the strength of institutions in place does not indicate the role socio-economic and political aspects play on ethnic conflict. Finally, Constructivism theory which observes that ethnic identity and subsequently conflicts is socially constructed does not account why ethnic groups with similar histories sometimes have different conflict histories. Indeed, the three theories are unable to explain why ethnic conflict is intermittent and why different societies perhaps with the same history experience different levels of ethnic conflicts. This demonstrates that there is a lacuna all these theories are unable to address. Is it a governance problem?

1.7 Theoretical framework

This study was guided by the Instrumentalist theory of ethnic conflict. This theory was the most appropriate since it explains ethnic conflicts from socio-economic and political perspective. Unlike Primordialist and Instrumentalist theories which explain ethnic conflict from a biological and institutional perspective respectively, Instrumentalist theory of ethnic conflict argues that competition between diverse ethnic groups for scarce economic and political resources is a major motivation for ethnic based conflicts. Collier, one of the major proponents of this school of thought observes that ethnicity is used as a tool to limit the access of resources to few individuals. He further points out that greed between ethnic groups play a more significant role in provoking inter-group conflicts unlike grievances.

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Instrumentalist theory thus asserts that groups mobilize and compete along ethnic lines when there are some expected political and/or economic benefits, a situation that often culminate into ethnic confrontation. Mc Kay, another proponent of this school of thought underscores this argument by contending that today's widespread ethnic conflicts is a result of mobilization of ethnic groups by political elites who are guided by their own selfish interests such as the control of political, economic and social resources.[97] Thus, as highlighted by Instrumentalist theory, elite manipulation creates 'us-them' syndrome that heightens inter-group divisions and subsequently intermittent conflicts.

Chandra, another proponent of this theory, observes that ethnic based conflicts arise when self-serving political elites manipulate ethnic differences in order to incite inter-group conflicts. He underscores that ethnic based conflicts result from the manipulation of ethnic differences by elites, which serves their diverse interests such as access to power, economic resources and security.[98] Conversely, Cohen who is also an advocate of Instrumentalist theory considers ethnicity to be a political and economic phenomenon; while at the same time refers ethnic groups as interest groups. He asserts that though ethnic groups are non-political in nature, elites politicize them provoking them to take action meant to serve their economic and political interests. He thus points out that elites manipulate ethnic identity, causing conflicts especially when an ethnic group competes with another for the limited resources like housing, social status, jobs and political power among others.[99]

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[97] McKay, J. An Exploratory Synthesis of Primordial and Mobilizationist Approaches to Ethnic Phenomena, *Ethnic and Racial Studies,* Vol. 5, No. 4 (1982), pp. 395-420

[98] Chandra, K. Why Ethnic Parties Succeed Cambridge, (UK : Cambridge University Press, 2004) pp. 21-43

[99] Cohen, A. Introduction: The Lesson of Ethnicity, in Cohen, A. (ed), Urban Ethnicity, (London: Tavistock Publications, 1974), pp. 14-17

The theory of Instrumentalist further explains why societies fragmented in ethnic terms sometimes unite while other times fight one another. Walter points out that when the cost of unity is more compared to the benefits of war, conflicts becomes inevitable. Consequently, this theory argues that some people participate in conflict due to the expected benefits, and not personal conviction. Collier and Hoeffler also underscore this argument by pointing out that the benefits of participating in war are immense due to the loot normally got during the war.[100] The prevailing conflict in the Democratic Republic of Congo is a perfect example of a conflict that is fueled by factors underscored by Instrumentalist theory, which include elite manipulation and opportunity to loot the country's mineral resources.

Against the foregoing, it is the contention of this study that politicized ethnicity manipulate ethnic identity, leading to not only perceptions of exclusion but also legitimate exclusion of some groups. Instrumentalist theory was therefore the most appropriate approach that was used to analyze politicized ethnicity and conflicts in Kenya. In line with the core tenet of this theory, political leaders in Kenya promote politicized ethnicity which subsequently manipulates ethnic identities for their own economic and political interests. For instance since independence, politicians have used ethnicity as a campaign mobilization tool. Consequently, this has directly or indirectly promoted exclusion of some ethno-regions, a development that continue to stoke dissent and negative perceptions among different ethnic groups in the country.

Instrumentalist theory has been used in this study to help the researcher address the problem this dissertation investigates, by explaining why there has been perennial ethnic-based politics in Kenya despite many decades of promoting nationhood. The political set up in Kenya allows politicians to easily mobilize their co-ethnics during campaigns and later reward some of their

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[100] Collier, P. and Hoeffler, A. 'On the Economic Causes of Civil War' *Oxford Economic Papers*, Vol. 50, No. 4 (1998), pp. 563-573

elites for support, a move that promotes political, economic and social exclusion of the elites from other groups. This provokes conflict especially during electioneering period as the marginalized groups seek to reverse the system so as to take care of their interests. Besides, the theory helped the researcher to explain why political leaders in Kenya normally condemn ethnic-based politics openly and yet propagate the same vice when they meet their kin. This is perhaps because of their desire to remain politically relevant within their ethnic group.

Moreover, this theory helped the researcher to examine politicized ethnicity in Kenya by conducting a comparative analysis between the perceived marginalized group vis-à-vis the groups that have controlled executive since independence. Various aspects such as socio-economic and political benefits that elites get due to politicized ethnicity, as advanced by the Instrumentalist theory were considered. The relevance of the Instrumentalist theory in explaining ethnic conflicts from a political and socio-economic perspective therefore makes this theory the most suitable for this study.

1.8 Hypotheses

This study was guided by the following hypotheses:

1. Politicized ethnicity is a major cause of conflicts in Africa;

2. There is no link between politicized ethnicity, governance and conflict in Kenya;

3. Politicized ethnicity leads to unequal distribution of resources and consequently conflict in Kenya;

4. Politicized ethnicity negatively affects human rights, consequently contributing to conflict in Kenya;

5. The existing legal, policy and institutional measures that have been put in place to combat politicized ethnicity in Kenya have been ineffective.

1.9 Methodology

In order to accomplish the purpose of this study, different methods of data collection and analysis were used. Secondary and primary data were used in order to enrich this study. The secondary data was gathered through research in the library where a variety of journals, books, newspapers, magazines and reports from various sources were utilized. Most of these materials containing information on politicized ethnicity, governance and conflict in Africa were obtained from the Jomo Kenyatta Library at the University of Nairobi (UoN) and the Kenya National library. Conversely, the primary data was obtained by the use of questionnaires which were administered to the sampled population. Besides, interviews were conducted, particularly targeting the specialists in the subject area of the study. The individuals interviewed included security experts, NCIC commissioners, scholars specializing in the related field and other practitioners especially those working in Civil Society Organizations (CSOs). The research findings were then used to test the hypotheses developed in this study. This was achieved by analyzing and interpreting both secondary and primary data that was collected from the chosen case study.

1.9.1 Research design

The term research design is used in research to connote how the researcher would collect and analyze data keeping in mind the objectives of the research and availability of resources.[101]

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[101] Kothari, C.R, *Research Methodology: Methods and Techniques*, Second Revised Edition, New Delhi: New Age International (P) Limited, Publishers, 2004, p. 32

This study adopted the case study research design which was descriptive in nature. In this respect, the study took keen interests on the cannons of descriptive design, that is, the definition of what the study is all about and the study objectives. Descriptive design is the most suitable in explaining people's social, economic and political behavior. Moreover, this design provided information on some human characteristics such as behavior, opinions, beliefs and their knowledge.

The study focused on Kenya as the case study between 1992 and 2016. The year 1992 is unique since it is the year when calls for reforms meant to promote democratic governance gained momentum after the repeal of section 2(A) of the Kenyan constitution in 1991. It was expected that the inauguration of democracy in Kenya that promotes democratic principles of governance would significantly alleviate politicized ethnicity. The year 2016 was chosen in order to analyze the progress made on alleviating politicized ethnicity after four years of implementing the new constitution. In this study, population was divided into two groups: ethnic group(s) that have produced presidents of the republic of Kenya and group(s) that have been in opposition for a long time, with an intention of getting their perceptions on inclusivity of Kenyan society. At least 100 people were given questionnaires, that is, 50 people from the group that have produced presidency and another 50 people from the group that have been in opposition. Furthermore, at least 20 interviews were conducted among the elite of the society.

Although there is no consensus over what exclusion means or how it can be appropriately measured, this study combined a number of frameworks that have been developed to measure social exclusion. These frameworks includes Scutella, et al framework of 2009, Burchardt et al-social exclusion indicators of 1995 and Berman and Phillip framework developed in the year

2000. [102] Consequently, the study used the following parameters to measure the extent of exclusion of some ethno-regions vis-à-vis other regions/ethnic groups: poverty levels, literacy level and access to learning institutions, the level of infrastructural development, availability of health care facilities and other social amenities, rate of employment, access to safe drinking water, personal safety and appointment to senior government jobs.

Though this study acknowledges that many ethnic groups have been in the opposition for a long time, Luo and Maasai ethnic groups were chosen to represent the groups in the opposition. This is because Luo ethnic group has generally been in opposition since the fallout between Jaramogi Oginga and President Kenyatta, and there has been a widespread politicized ethnicity due to the perceived marginalization. Conversely, Maasai ethnic group represented those in the opposition due to the heightened discontent for the government as a result of marginalization. Maasai has been considered marginalized minority group as identified by the 2010 TJRC report. There has been a lot of politicized ethnicity among the Maasai, partly due to contested land issues. On the other hand, Kikuyu and, Kalenjin were considered advantaged group or groups that have enjoyed relative power due to the fact that they have controlled executive since independence.

1.9.2 Sampling technique

This study utilized quota sampling technique. This is where the population is divided into different quotas and then randomly picked from these quotas. In this study, there were two quotas as already demonstrated: the group that represented opposition supporters and the group that has controlled the executive since independence. Luo and Maasai ethnic groups represented

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[102] Kauffmann, X.E, et al, *Indicators of Social Exclusion and Inclusion: A Critical and Comparative Analysis of the literature*, Institute of Population Health, University of Ottawa, Working Papers, Vol.2, (2011) pp.30-64

the group in the opposition while the reference group was represented by Kikuyu and Kalenjin. Besides, the study utilized purposive sampling technique where expert opinion on the subject of politicized ethnicity and conflict was sought. Purposive sampling was used as the researcher selected individuals who were deemed to have important information in the area of study to be interviewed.

1.9.3 Data collection

The primary data was obtained through questionnaires which had a set of questions, both open and closed ended so as to obtain in-depth knowledge of the extent to which politicized ethnicity impact on conflicts. The questionnaire was structured in such a way that every respondent got identical questions, which were in written form. The data gathered through these questionnaires could not be generalized; instead the findings are limited to the context of this study. Furthermore, interviews were conducted using an interview guide which also had a set of identical questions. The combination of these two approaches to collect primary data was meant to increase precision and obtain more comprehensive explanations of the role politicized ethnicity plays on exclusion and subsequently conflict.

On the other hand, secondary data was collected through in-depth information gathering and document analysis. Document analysis involved examination and critical analysis of various literatures that contained information on politicized ethnicity, exclusion and conflict. This is because the study had to analyze and understand many historical and current documents in the focus area.

1.9.4 Data analysis

As observed by Bogdan and Biklen, the data collected from the field research was systematically interrogated and processed.[103] It was further corroborated with the secondary data with the main thrust of examining politicized ethnicity vis-à-vis conflicts. The data was analyzed using both qualitative and quantitative methods of data analysis. In qualitative analysis, the data was analyzed interpretatively by synthesizing, categorizing and organizing the data into patterns that describes the phenomena. The data was also analyzed by making connections to existing knowledge and integrating it with relevant concepts. Here, the focus was on making deductions and assessment on the extent to which politicized ethnicity impacts conflicts.

In quantitative analysis, the study utilized descriptive statistics. Trend analysis was also used to show the trends of politicized ethnicity in Kenya and its impact on conflicts. The main focus was to identify trends on politicized ethnicity, lack of inclusivity and conflicts in Kenya since 1992 with a view to answer the research questions.

1.9.5 Ethical Issues

While conducting the research, the researcher was conscious of research ethics so as to avoid what is unacceptable. Neumann observes that ethical research does not inflict harm of any kind including physical or psychological abuse and that observing these ethics benefits not only those who participate in the research but also those who read the work.[104] Thus, the researcher was keen to avoid any sort of harm during the research period, and upheld research ethics even when those who participated in the research were unaware or unconcerned with ethics. The

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[103] Bogdan, R.C and S.K Biklen, *Qualitative Research for Education: An Introduction to Theory and Methods*, Boston: Allyn and Bacon, Inc, 1982
[104] Booth, C.W et al, *The Craft of Research*, Chicago: The University of Chicago Press, (1995). Pp 258

information that was obtained through questionnaires and the interview guide was treated with a lot of confidentiality and was used only for academic purposes.

1.10 Chapter Outline

This study contains eight chapters which are as follows:

Chapter 1: Introduction. This chapter introduces the study by contextualizing the research problem and provides justification of the study. It also reviews the literature on the nature and background of politicized ethnicity and conflict in Kenya. This chapter finally highlights the methodology used in this study.

Chapter 2: Politicized ethnicity and Conflict in Africa. This chapter discusses the drivers of ethnic-based conflict particularly in Africa and subsequently analyzes politicized ethnicity and African conflicts considering a number of case studies. In addition, the chapter delves on ethnic majorities and conflict in Africa highlighting some cases such as Angola and Chad and a few others that helps to underscore the argument. The chapter then proceeds to examine ethnic minorities and conflict in Africa. Furthermore, the chapter discusses trans-border ethnic-based conflicts explaining why such phenomenon occurs and their impact on regional or even global security. Later, the chapter examines politicized ethnicity in Kenya, depicting how various ethnic groups in Kenya have propagated ethnic based politics, thus leading to the exclusion of some groups from social, economic and political participation. Finally, the chapter draws conclusions on the key aspects discussed therein.

Chapter 3: Politicized ethnicity, Governance and Conflict in Kenya. This chapter endeavors to bring out the role Kenyan politics plays in promoting negative ethnicity and subsequently

conflict. The chapter begins by looking at the history of politicized ethnicity in Kenya considering the pre-colonial, colonial and post-colonial periods. Here, emphasis is given on the role colonialism played in fomenting ethnic based politics in today's multi-ethnic society. Then, politics of regionalism is analyzed depicting the key role communities play in exacerbating ethnic based politics. Furthermore, regional political parties and outfits like GEMA which have played a significant role in promoting ethnic based politics are examined while at the same time, the effects of politics on ethnicity and the vice versa have been underscored. The chapter then looks at politicized ethnicity and conflicts showing the nexus between the two variables. In addition, the role Civil Society Organizations (CSOs) and members of international community especially the United States of America plays in fueling or alleviating ethnic based politics in Kenya is analyzed. Finally, conclusions are drawn on the key aspects discussed in the chapter.

Chapter 4: Politicized ethnicity, Distribution of Resources and Conflict in Kenya. The central argument of this chapter is that politicized ethnicity affects resource distribution and the vice versa, a development that promotes conflict. To demonstrate this argument, the chapter begins by examining factors that contribute to ethnic based exclusion in Kenya. Subsequently, the chapter investigates politicized ethnicity, distribution of resources and conflict in Kenya vis-à-vis the already discussed factors. The main focus here is to show the extent to which politicized ethnicity affects resource distribution and subsequently conflict. The third section of the chapter discusses ethnicity and employment in Kenya showing the role politicized ethnicity has played in affecting employment patterns including key government appointments. The chapter then discusses some of the persistent perceptions that have been entrenched through

politicization of ethnicity and the role such perceptions plays on conflicts in Kenya. Finally, the chapter draws conclusion.

Chapter 5: Politicized ethnicity and Human rights in Kenya. This chapter seeks to examine politicized ethnicity from a human right perspective. The chapter demonstrates that politicized ethnicity promotes exclusion which violates human rights, subsequently exacerbating conflict. Thus, the chapter begins by looking at politicized ethnicity as a violation of human right as stipulated in the Kenyan Constitution. Next, the chapter examines politicized ethnicity and socio-economic rights. Here, the chapter endeavors to show how politicized ethnicity promotes exclusion which has negatively affected individual's socio-economic rights such as access to education, employment, adequate food, health care, and personal security among others, leading to conflict. The chapter then examines politicized ethnicity and political rights, emphasizing how politicized ethnicity culminates into exclusion which has hindered people from enjoying their political and civil rights. Political rights such as freedom of expression, association, one's right to participate freely in the governance of his country, right to equal access to public services and right to free and fair elections have been analyzed vis-à-vis the Kenyan constitution and International Covenant on Civil and Political Rights (ICCPR) of 1966. Subsequently, the chapter looks at politicized ethnicity and political participation in Kenya. Here, emphasis is on how government has used state machinery to advance its interests while violating the rights of other groups. The chapter underscores how politicized ethnicity affects political participation, and how government sometimes discourages some people from participating in political decision making through state machinery. The chapter endeavors to show how the Kenyan government used police force and later government sponsored militia to suppress the excluded group, and how

lopsided voter registration creates voter apathy in some ethno-regions. Later, the chapter examines politicized ethnicity and access to justice, seeking to answer the question: to what extent does politicization of ethnicity hinder access to justice of some people/groups, and if that has any effects on the possibility of conflicts. Finally, the chapter draws conclusions.

Chapter 6: Existing framework to alleviate politicized ethnicity. This chapter examines the legal, policy and institutional framework for addressing politicized ethnicity in Kenya. The chapter underscores the reforms that have so far been carried out in the country in order to address politicized ethnicity. Besides, the chapter assesses whether the policy interventions introduced so far has yielded the desired results and if not then why and what must be done. The chapter specifically analyses the role equalization fund, Constituency Development Fund (CDF) and the policy on employment have played in addressing politicized ethnicity. The chapter then examines what obstructs inclusivity in the country and subsequently what can be done to reverse the situation. Finally, the chapter draws conclusions.

Chapter 7: Data Presentation and analysis. This chapter presents the primary data obtained from the field research. The data is presented thematically using descriptive statistics such as percentages in form of pie charts and mean with an intention to demonstrate the nature and trends of politicized ethnicity and how it leads to conflicts in Kenya. The field data has been collated, analyzed and presented so as to answer the research questions and to test the hypotheses presented in chapter one. Responses from the open-ended questions are also presented in this chapter in prose form. Generally, this chapter presents the primary data with an intention to corroborate it with the secondary data that has been collected through library research.

Chapter 8: Summary, Conclusions and Recommendations. This chapter generally gives the summary and the conclusions about each research question, hypothesis and research problem as stated in chapter one. The chapter further shows the implications of the mentioned conclusions for theory, policy and practice. Finally, the chapter delves on what needs to be done to reverse politicized ethnicity and exclusion in Kenya, by examining ways of promoting national cohesion and inclusive decision making in Kenya. Lastly, the study suggests areas for further research.

1.11. Chapter Summary

This chapter has given the background to the study by asserting that though the struggle for independence in Africa sought to replace the exclusive and oppressive colonial administrative systems with inclusive political system that would promote good governance, nationhood and the need for political, social and economic rights, this dream faded upon independence as politicized ethnicity and conflicts gained prominence in the continent. To date, politicized ethnicity remains a common feature in African politics; a situation that has promoted persistent ethnic conflicts around the world and particularly in Africa. This has further heightened fragmentation among the diverse ethnic groups, thus exacerbating governance challenges in the continent.

The chapter specifically contends that 2007/08 post-election violence in Kenya exposed deep historical grievances and polarized the country along ethno-regional lines. This played a significant role in exacerbating politicized ethnicity in the country, a development that has intensified structural conflicts. This chapter further demonstrates that though 2010 Kenyan Constitution contains provisions that can promote nationhood if implemented, political elites have used the same Constitution to spread propaganda that heightens politicized ethnicity. The chapter finally indicates that politicized ethnicity is a serious problem in Kenya, a development

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that might have played a central role in creating perceptions and sometimes legitimate exclusion among diverse ethnic groups.

In the following chapter, we examine politicized ethnicity and conflict in Africa with a view to identify how politicized ethnicity manifest and the role it plays in fomenting conflicts in the continent.

CHAPTER TWO

POLITICIZED ETHNICITY AND CONFLICT

IN AFRICA

2.1 Introduction

This chapter examines politicized ethnicity and conflicts with a view to assess the role

such politics plays in African conflict. More emphasis is given on the role politicized ethnicity

plays in exacerbating conflicts in the continent. Here, it is hypothesized that politicized ethnicity

is a major cause of conflicts in Africa. This is because politicized ethnicity has promoted ethnic-

based struggles over access to state power and other resources, which has subsequently been

followed by many intrastate conflicts especially in the post-Cold War era. Since the end of the

Second World War, almost half of the conflicts that have been fought especially in Africa have

been motivated by ethno-political struggle for state power. Between 1945 and 1999 for instance,

there were at least 58 ethnic civil wars fought, representing about 51 per cent of the total number

of civil wars.[105]

For convenience of analysis, this chapter is divided into seven sections as follows: Section

one examines the drivers of ethnic-based conflict, showing the role politics plays in each of these

drivers; section two analyses politicized ethnicity and African conflicts considering a number of

case studies. The third section discusses the excluded ethnic majorities and conflict in Africa,

highlighting some cases such as Angola and Chad and a few others that help to underscore the

argument. The chapter then proceeds to examine excluded minorities and conflict in Africa. The

case studies examined for both majority and minority ethnic-based exclusion exemplify the

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[105] Cederman, L.E, *Why Do Ethnic Groups Rebel?* New Data and Analysis, World Politics, Vol. 62, No. 1 (January 2010) pp. 87-119

argument that politicized ethnicity is a major motivator of African conflict. Additionally, the chapter discusses trans-border ethnic-based conflicts examining why such phenomena occur and their impacts on regional and global security. Later, the chapter examines politicized ethnicity in Kenya, depicting how various ethnic groups in Kenya have systematically been excluded from social, economic and political participation based on their ethnic identities. Finally, the chapter draws conclusions on the key aspects discussed therein.

2.2. Drivers of ethnic-based conflict

Most of the conflicts that have occurred in the recent past are ethnically motivated. This is due to the fact that ethnic identities have been amplified by many political elites, frequently making them the cardinal means of social expression and for agitation of group rights and privileges in modern politics. As a result, when identity groups are denied or perceive to be denied their civil, political and social rights as demonstrated by Adejumobi, they develop resentment that frequently winds up in conflicts. [106] Thus, abuse of group rights and the politicization of ethnicity is a key driver of ethnic-based conflicts. When political elites politicize ethnicity creating a perception of exclusion and/or abuse of their rights, conflicts and civil wars become inevitable as revealed by the Instrumentalist theory of ethnic conflicts which argues that elites' manipulation of ethnic identities is a major cause of conflict.

The Rwandan case presents a good illustration of how politicized ethnicity in multi-ethnic societies foments conflict. During the early days of colonization, colonial power entrenched negative ethnicity by favoring Tutsis whom they regarded as a superior race compared to the other ethnic groups in the country. The colonialists considered Tutsis as *white man in black skin*

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[106] Adejumobi, S. *Citizenship, Rights and the Problem of Internal Conflicts and Civil Wars in Africa*, Vol. 6, No. 2 (Dec, 2001) pp. 77-96.

and gave them preferential treatment including good education, thus making them the elite group vis-à-vis other ethnic groups. However, towards the independence of Rwanda, the colonialists shifted their support from Tutsi to Hutus due to increased demand for independence by the Tutsi elite. After the independence with a Hutu President, the new regime continued politicizing ethnicity, including systematic discrimination of Tutsis from military and other key government positions, thus increasing resentment and ethnic hatred between Hutu and Tutsis.[107] The systematic denial of Tutsi's political, economic, social and cultural rights by the Hutu regime nurtured the seeds of future conflict that culminated in the Rwandan Genocide of 1994.

Economic marginalization based on ethnicity also creates favourable environment for politicization of ethnicity and subsequently conflict. Though wealth differences between various ethnic groups do not necessarily lead to violence, ethnic-based economic discrimination frequently triggers ethno-nationalist grievances which increase the probability of conflicts. Unequal economic opportunities and resources for wealth creation such as land and capital and vast differences in the standard of living aggravate inter-ethnic politics and conflicts.[108] Grievances fomented by ethnic exclusion provokes conflicts since the excluded group(s) considers itself relatively deprived, thus demand for economic rights. The deep rooted sources of ethnic conflicts in most African countries can be traced to uneven economic opportunities, including employment patterns that lead to irregular economic development.[109] Thus, economic marginalization based on ethnic identity, just like abuse of group's civil and political rights, shapes inter-group politics as argued by Instrumentalist theory of ethnic conflicts.

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[107] Ibid, pp. 80-92

[108] Deiwiks, C. et al, *Inequality and Conflict in Federations*, Journal of Peace Research, Vol. 49, No. 2 (March 2012) pp. 289-304.

[109] Narang, S.A, *Ethnic Conflicts and Minority Rights,* Economic and Political Weekly, Vol. 37, No. 27 (July 2002) pp. 2696-2700.

One respondent corroborated the argument on economic marginalization and denial of other human rights by pointing out that ethnic based conflicts intensify when some sections of the population are excluded from enjoying their rights including economic benefits that are entitled to other groups. He pointed out that dissatisfaction increases within such identity group(s), especially ethnic based, when their economic opportunities appear to be diminished compared to other groups, a development that often culminate into conflicts.[110] In such an environment, the affected groups who now have the same challenges and interests, work towards changing the status quo to better their lot. This argument was also underscored by another respondent who observed that ethnic based conflicts are fueled by not only exclusion, but also perceptions of lack of inclusivity which are frequently fueled by politics.[111] This finding is in tandem with the theoretical underpinning of this study which asserts that people are prone to cause chaos when their ethnic identities are manipulated by political elites who spread propaganda and ethnic hatred for their own selfish interests.

Furthermore, weak institutions of governance as is common in many of the African states, is another driver of ethnic based conflict. The type, strength and fairness of the political and other state institutions determine to a great extent the prospect for peace in any state as argued by Institutionalist theory of ethnic conflicts. For instance, a closed authoritarian system with weak institutions is likely to breed resentment over time, especially if the interests of those in power are served at the expense of other ethnic groups.[112] Weak institutions of governance are not only unable to hold the people in authority particularly the executive accountable, but are also unable to protect rights of individuals and groups. Precisely, they are unable to protect economic, social

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[110] Interview with Director, *Center for Sustainable Conflict resolution*, NGO, 3rd February 2017
[111] Interview with a Senior Security Officer, 6th February 2017
[112] Rwantabagu, H. Explaining Intra-State Conflicts in Africa: The Case of Burundi, *International Journal on World Peace*, Vol. 18, No. 2 (June 2001), pp. 41-53.

and political rights of individuals and groups. Weak judicial system for instance makes it difficult for Courts of law to deliver justice. In such environment, diverse ethnic groups form militia groups so as to protect and promote their rights, which the government is unable to defend. Conversely, the weak institutions create a favourable environment for criminality and looting of public resources, a situation that politicians use to advance their selfish interests which intensifies the prospects for conflicts.

Due to Burundi's powerful executive who dominates other institutions making them subservient, one needs political power to access any state sanctioned benefits necessary for wealth creation. The politicians thus use ethnicity to attain political power and subsequently social and economic prosperity. The widespread poverty in the country which is manifested in limited investment opportunities makes the ethnic group that has not produced influential political elites feel relatively deprived since the quickest avenue for economic prosperity is through politics. This is because the group that controls politics recruits their kin into civil service and other key government appointments, thus marginalizing ethnic groups not well represented in the government.[113] This creates resentments which have culminated into ethnic-based conflicts that have ravaged the country for a long time.

Struggle for power and manipulation of ethnic identity by the elites as depicted by the theoretical foundations of this study is another key motivator of ethnic-based conflicts. This struggle frequently manifest in different forms including but not limited to, abuse of democracy, repression of ethnic groups considered anti government and stereotyping where some identity groups are considered inferior while others are even labeled foreigners. The repression of these groups often results into ethnic conflicts since those in power abuse the rights of marginalized groups. In Sudan, conflicts which culminated into a civil war persisted since southerners were

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[113] Ibid. p. 49

considered inferior citizens, a development that ended up breaking the country into South Sudan and Sudan.[114] Besides, a critical examination of the conflict in Mano basin area of Liberia, Sierra Leone and Guinea shows that the repressive rule and resource greed of President Charles Taylor exacerbated the situation.[115] Taylor's repressive rule, lack of good governance and democracy due to the desire to control power fuelled resistance from the oppressed, culminating into ethnic based conflicts.

Corruption and mismanagement of state resources by the elites from the ethnic group(s) controlling state power also foments ethnic-based conflict. The discourse on political economy highlights that poor resource management and distribution especially in a multi-ethnic society triggers conflicts and political instability. Corruption leads to economic marginalization, negatively affects investments by increasing transaction costs, promote abuse of human rights and results in misallocation of public resources in violation of the law, a development that worsens inter-group politics.[116] In Niger Delta for example, corruption has caused poverty amid wealth in the region. This has fuelled conflict due to the perception that federal government elites, who are mainly from major ethnic groups, use state resources to develop their region while ignoring the Niger Delta. [117] Rampant corruption in this region has promoted politicized ethnicity which has intensified intermittent conflicts as argued by the theoretical underpinnings of this study.

Manipulation of ideological and cultural differences through stereotyping also breeds ethnic based conflicts. Stereotyping thrives through the induced emotions which affect

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[114] Abusharaf, R.M, *Seeds of Secession*, Transition No. 110 (2013) pp. 73-89.

[115] Sawyer, A, Violent Conflicts and Governance Challenges in West Africa: The Case of the Mano River Basin Area, *The Journal of Modern African Studies*, Vol. 42, No. 3, (Sep.,2004), pp. 437-463.

[116] Poku, N.K, Human Security and Development in Africa, *International Affairs*, Vol. 83, No. 6, (Nov,.2007) pp. 1155-1170.

[117] Ebiede, T.M, Conflict Drivers: Environmental Degradation and Corruption in the Niger Delta Region, *African Conflict and Peace Building Review*, Vol. 1, No. 1, (2011), pp.139-151.

information processing and negatively affects inter group attitudes and bias, thus heightening the possibility of conflicts.[118] Stereotyping is frequently used as an instrument of polarization among ethnic groups as it feeds the idea of "us" verses "them". Here, all members of a group are presumed to posses certain traits, mostly negative traits such as anger, stupidity, arrogance and/or dishonesty, which are not possessed by others. Stereotyping was for instance successfully used prior to Rwandan genocide where Tutsi were labeled insincere people and enemies of the state. Debelo observes that in stereotyping, individual actions are portrayed as group behavior which has a significant impact on mutual respect, trust and interaction between different ethnic groups. When stereotypes are linked to past memories of conflicts, revenge attacks which might culminate in civil war are likely.[119] Frequently, leaders use stereotype to justify economic marginalization of some people and abuse of their rights, a situation that often foments conflicts.

One respondent considered manipulation of ideological and cultural differences, corruption and weak government institutions to be structural causes of ethnic based conflicts. She pointed out that these three factors are significant in heightening popular dissatisfaction within the society, a development that frequently culminates into conflicts. She thus underscored that a critical analysis of various conflicts in Africa demonstrates that these three factors plays a key role in fueling dissent and subsequently conflict.[120]

Conversely, Blanton argues that colonial legacy continues to fuel ethnic-based conflict in two ways: First, during the partition of the African continent, colonial powers divided the continent into different countries with no regard to the natural boundaries of existing ethnic groups. This resulted into countries with multiple ethnic groups competing for limited resources

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[118] Pollet, T, et al, *Emotions in Context: Anger Causes Ethnic bias but not Gender bias in Men but not Women,* European Journal of Social Psychology, Vol. 42 (2012), pp. 432-441.

[119] Debelo, A.R, *Emerging Ethnic Identities and Inter-Ethnic Conflicts: The Guji-Burji Conflict in South Ethiopia*, Studies in Ethnicity and Nationalism, Vol. 12, No. 3 (2012) pp. 517-526.

[120] Interview with NCIC Commissioner, 27th January 2017

and on the other hand some ethnic groups were split into two or more countries. Upon independence, though colonial boundaries gained international legitimacy, in many instance they did not gain domestic legitimacy, a development that provoked diverse ethnic groups to begin secessionist and irredentist claims that sometimes culminated into violent conflicts.[121] The elites from the affected ethnic groups politicize the existing situation to foment ethnic nationalism which culminates into conflicts such as Biafra war in Nigeria and Shifta war in Kenya.

The Biafra secessionist war was for instance largely triggered by perceptions of cultural, religious, economic and political marginalization of Igbo people who were the main inhabitants of the Biafra region. Furthermore, the large amount of oil in the region motivated them to secede, a development that culminated into civil war, killing approximately one million people.[122] In Kenya, the war was irredentist in nature as the Somali ethnic groups living in Kenya sought to join their ethnic kins in Somalia to form larger Somalia state. This was due to the politicization of ethnicity that made Kenyan Somalis believe that their interests would be taken care of better in Somalia than in Kenya which they accused of marginalizing them.

However, the colonial legacy debate does not explain why the splitting of ethnic groups in other continents has not necessarily resulted into ethnic conflicts. For instance, ethnic Germans are found in many countries neighboring German, including Poland, Switzerland and Belgium. Other ethnic groups found in many countries without causing ethnic conflicts include Albanians, Armenians, Basques and Hungarians.[123] Splitting of ethnic groups into two or more countries does not necessarily lead to conflict when the situation is not politicized. For instance, when there is no economic marginalization, no abuse of group rights, when institutions of governance

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[121] Blanton, R. et al. *Colonial Style and Post Colonial Ethnic Conflict in Africa*, Journal of Peace Research, Vol. 38, No. 4 (Jul., 2001), pp. 473-491.
[122] Ibid, pp. 480-489
[123] Ibid, pp. 481-5

are strong and able to fight corruption, when cultural differences are not stereotyped and basically where there is no politicization of ethnic differences, identity groups whether living in one country or split into several countries will have no motivation for conflicts.

Ethnic-based conflicts in Africa are also fuelled by the presence of idle youth with easy access to weapons. At independence, many Africans were optimistic that self-governance will enable them secure jobs and other economic benefits at individual level. However five decades after independence, most young people in Africa continue to be hopeless due to unemployment. Furthermore, the proliferation of small arms and light weapons from international markets especially the states of former soviet camps exacerbates the situation making armed struggle easy to engage in. These two factors enable the power and wealth hungry warlords and political entrepreneurs to advance their selfish interests through politicized ethnicity which culminate into conflicts.[124] The presence of large numbers of idle youth as is common in many African countries allows politicians to easily get a workforce to use during skirmishes. Such environment is ripe for conflicts due to the idle youths which politicians manipulate to serve elites' interest as argued by Instrumentalist theory of ethnic conflicts.

Finally, group level security dilemma is a potential source of ethnic based conflict. This happens when one group fears another group's dominance, a situation that push each of the ethnic groups to scramble for social, economic and political power needed to safeguard their own security, economic and political interests. Such scramble for political power frequently culminates in pre-emptive violence between different ethnic groups, since both the ethnic groups have the same threats and objectives of security, political and economic power while at the same

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[124] Ntalaja, G. N. *Ethnicity and State Politics in Africa*, African Journal of International Affairs, Vol. 2, No. 1 (1999), pp. 32-57.

time opposing their ethnic rival.[125] Conflict in such a situation exacerbates when ethnicity is politicized, creating inter-group insecurities as various ethnic groups are not assured of their political, social and economic rights.

Ethnic diversity in itself is not a driver of ethnic conflict as insinuated by Primordialist theory of ethnic conflict. However, when ethnicity is used by the political elite as a lever to ascend to power as argued by Instrumentalist theory, this foments ethnic conflicts. This study therefore argues that the drivers of ethnic conflict discussed in this section only foment conflicts when they are politicized. For instance, ethnic based economic marginalization, fairness of state institutions, stereotyping, mismanagement of state resources and abuse of human rights by elites from particular ethnic groups, colonial legacy and group level security dilemma only create conducive environment for the manipulation of ethnic identities by elites, a development that leads to ethno-nationalist grievances and subsequently ethnic conflicts. The next section examines how these drivers play out in different conflict situations.

2.3. Politicized ethnicity and African conflicts

Since the end of Cold War, the African continent has been grappling with numerous internal challenges. One of these challenges is insecurity which is often posed by political conflicts. These political conflicts have as a result derailed the prospect for national unity and development in many countries in Africa. Most of these conflicts involve ethnic groups who struggle to control either certain regions of their country for instance in Nigeria, Sudan and Ethiopia or the entire country like in South Sudan, Rwanda, Burundi, Liberia and Sierra Leone. This study therefore argues that politicized ethnicity encourages various ethnic groups to engage

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[125] De Juan, A. *Devolving Ethnic Conflicts: The Role of Subgroup Identities for Institutional Intergroup Settlement*, Vol. 15, No. 1, (2013), pp. 78-84.

in the struggle to control the state and the resources therein, a situation that undermines development and the prospects for peace in the continent.[126] As demonstrated in this section, various scholars have examined the subject of politicized ethnicity and African conflicts from different points of view.

Cederman for instance argues that politicized ethnicity in Africa has led to various forms of conflicts such as conflict over the access to state power by leaders of the contending ethnic communities, quest for secession by the excluded group whose objective is to establish a new state ruled by their ethnic kin and irredentist struggles to join another state controlled by their ethnic group whom they trust. He points out that most political leaders representing the excluded ethnic groups often mobilize their ethnic kins to change status quo so as to avoid or overcome dominance by the ethnic group in power. These leaders seek to re-order representation in the central government to enable their ethnic group access government jobs and services fairly.[127] Failure to achieve these objectives leads to frustrations among the excluded constituents who blame the dominant group for their predicaments, a development that increases the probability of political rebellion. As argued by the Instrumentalist theory of ethnic conflicts, the possibility of rebellion is high when people believe their suffering is induced by other ethnic groups.

One respondent underscored Cederman's argument by demonstrating how politicized ethnicity negatively affects inter-group trust and later promotes various types of conflicts such as secessionist and irredentist. She pointed out that politicized ethnicity triggers many African conflicts given that it support favourable environment for prejudice to flourish, heighten inter-group suspicion, magnifies ethnic diversity while at the same time reduces trust among diverse ethnic groups. She therefore observed that it is difficult for peace to thrive where there is ethnic

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[126] Tarimo, A, *Ethnic Identities and the Common Good*: Considerations on the Social Drama of Africa, Vol. 65, No. 4 (2009), pp. 577-592.
[127] Op cit, Cederman, pp. 93-99

based exclusion since politicians take advantage of the environment to spread propaganda that promotes mistrust.[128]

Conversely, Varshney observes that when leaders of an ethnic group experience loss of relative power, they are likely to manipulate their co-ethnic to resort to violence. This is common especially when a smaller ethnic group gains power while at the same time a large ethnic group loses power. In such a situation, the representatives of the larger group are likely to incite their ethnic group against dominance by smaller ethnic group, resulting into conflicts.[129] The situation is exacerbated particularly when the rights of some people have been abused or when some sections of the population are being economically marginalized, creating relative deprivation and consequently conflict. In addition, when the dominant group, whether small or large, tries to impose their values on the excluded group, conflict becomes inevitable.

Rothchild underscores both Cederman and Varshney's arguments by pointing out that lack of inclusivity in many African states leads to conflict since the ethnic group which captures power assumes "a winner-takes it all" in respect to power, wealth and resources. He further argues that the situation becomes worse when the state is the main provider of employment and other benefits while the political parties are largely regional or ethnic-based as is the case in many countries in Africa. Indeed, the nature of politics in Africa coupled with its multi-ethnic character has made many states in the continent more prone to conflict due to politicization of ethnicity. The politician's personal and parochial interests and their ability to mobilize their ethnic members make weak states prone to conflict.[130] The power struggle between President Salva Kiir and Riek Machar in South Sudan has for instance taken an ethnic angle pitting Dinka

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[128] Interview with Director of Research, National Cohesion and Integration Commission, 27th January 2017

[129] Varshney, A, *Nationalism, Ethnic Conflict and Rationality*, Perspectives on Politics, Vol.1, No. 1, (March, 2003), pp. 85-99.

[130] Rothchild. D. S, *The Clinton Administration and Ethnic Conflict Management: Limits of Intervention in a Partially Autonomous Africa*, Vol.26, No. 2, (1993), pp.41-46.

and Nuer ethnic groups. Though these two ethnic groups fought together during their liberation struggle that culminated in the independence of South Sudan in 2011, the two have now turned against each other due to the political differences between the two leaders.

As argued by Kabede, the South Sudan case reveals that ethnicity in Africa is manipulated by the politicians for purposes of group mobilization as advanced by Instrumentalist approach.[131] More often than not, people do not fight one another merely because of differences in ethnicity; rather they kill one another when they are mobilized to compete for state power and resources along ethnic lines. Thus, ethnic identities are not harmful by themselves; they only become harmful when manipulated for selfish interests by politicians. Ethnic identities should thus be appropriated into the structure of nation-state in order to address ethnic-based conflict and challenges facing democracy in Africa.[132] The South Sudan case demonstrates the role politics plays in exacerbating conflict in Africa using ethnicity only as a fulcrum.

Unlike South Sudan conflict which has been heightened by power struggle, the Darfur conflict between Sudan Arab rulers and black African Sudanese was a result of marginalization of Darfur region since colonial period. Darfur was marginalized during colonial period both in national wealth sharing and infrastructural development, a situation that worsened after independence. The inequality in both the economic and political power coupled with a protracted period of severe drought and water scarcity in the region heightened the grievances of most Darfuris thus provoking armed groups to rebel against the government. Consequently, politicized ethnicity as different groups compete for scarce natural resources in Darfur has worsened racial/ethnic conflict pitting black ethnic groups such as Fur and Zaghawas, and Arab groups who include Habania, Beni and Hussein. The conflict took a different angle after the government

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[131] Kabede, M, *Directing Ethnicity towards Modernity*, Social Theory and Practice, Vol. 27, No. 2 (April 2001) pp. 265-284.

[132] Op cit, Tarimo, pp.580-584

began arming lighter-skinned Arab raiders, Janjaweed, who are now killing and driving a way blacks in Darfur region near Chad.[133] A critical examination of this conflict demonstrates that economic marginalization of the region, abuse of the rights of black and struggle to maintain power by the Al-Bashir administration has sustained the fragile situation where the blacks feel deprived, a development that has degenerated into ethnic-based conflicts.

Kempin observes that ethnic federalism which was introduced in Ethiopia in 1991, reconfiguring the country along ethnic lines led to many ethnic conflicts including one between Guji-Burji in South Ethiopia. This system introduced administrative units based on ethnicity which determine access rights, political and economic entitlements and issues of inclusion and exclusion. Ethnic federalism in Ethiopia also worsened polarization between different groups and especially between agro-pastoral Guji and the agricultural Burji communities, hence determining resource ownership in terms of ethnic identity.[134] As Debelo argues, inter-ethnic conflict in Ethiopia including that between Dirashe and Gauwwada in 2008, Borana and Somali, Konso and Borana, Gumuz and Oromo and Guji and Burji were as a result of ethnic federalism.[135] Ethnic federalism later intensified politicized ethnicity by defining "self" and "others", thus intensifying resentment and intermittent conflicts in some parts of the country.

Though the presence of diverse ethnic groups ingrains "us-them" perception as argued by Kempin, it is not the diversity that causes conflict, but politicized ethnicity and especially where there is ethnic marginalization. Politicized ethnicity results in mistrust, feeling of alienation whether real or not and discontent that frequently breed conflicts. This in turn negatively affects economic growth, good governance and democracy. Pervaiz points out that community social

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[133] Abouyoub, Y, *Climate: The Forgotten Culprit. The Ecological Dimension of the Darfur Conflict, Race, Gender and Class,* Vol. 19, No.1/2 (2012), pp. 150-176.

[134] Op cit, Debelo, pp.519-522

[135] Kempin, T, *Including Minority Rights in Peace Agreements: A Benefit or Obstacle to Peace Process After Ethnic Conflicts?* International Journal on Minority and Group Rights Vol. 19 (2012) pp. 359-3979

cohesion is partly dependent on the way resources are distributed in the community. He observes that it is not the number of ethnic groups in particular region or state that causes disharmony, but how they interact with each other.[136] Mueller on the other hand observes that ethnic based exclusion is likely to foment rebellion when the excluded group(s) is denied political, economic and social rights while at the same time their survival is threatened. He however argues that inequality in terms of the distribution of economic and political power is not sufficient to cause conflict. Instead, he asserts that when some groups have been convinced by political elites that their survival is threatened coupled with appropriate social networks that mobilize and funds violence, conflict becomes inevitable.[137] This argument demonstrates what has been happening in many African countries such as Burundi, Liberia, DRC and Sierra Leone among others where ethnic networks have been mobilized to fund ethnic based conflicts.

2.3.1. Ethnocentrism and African Conflicts

Ethnocentrism, where one cultural group believes that it is essentially more important than the others, has played a critical role in fuelling ethnic based conflicts especially in Africa. The situation normally worsens when political elites spread propaganda pitting one ethnic group against another. For instance, some ethnic-based conflicts in Africa have worsened over time due to the perception that classifies people of different ethnic groups into false stratum. This perception rekindles many African conflicts even after they have been settled since different ethnic groups continue to perceive one another in categorical terms. In Rwanda, though the government continue to instructs its citizens to consider themselves as Rwandese as opposed to

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[136] Pervaiz, Z, *Is it Ethnic Fractionalization or Social Exclusion, Which Affects Social Cohesion?* Vol.11, No. 10 (2015) pp. 1-10.

[137] Mueller, M.L, PhD Dissertation, *Beyond Ethnicity: African Protests in an Age of Inequality*, University of California (2014) pp. 1-20.

their respective ethnic group, returnee Tutsi from Uganda who currently dominate the country's politics still consider themselves superior. [138] This perception risks heightening structural violence in the country, a situation that could regenerate ethnic based conflict in future, especially after President Paul Kagame's administration.

In Ivory Coast, discrimination of the country's immigrant and Muslim population, who at some point where considered foreigners, coupled with economic decline caused conflict in early 2000s. As a result, three rebel groups emerged with the aim of toppling the government of Laurent Gbagbo, provoking a two-year conflict that ended in 2004 to pave way for a peace process. However, the peace process dragged for several years leading to the postponement of the elections in the country. Finally, the presidential elections were held in 2010 and Alassane Outtara declared the winner by Independent Electoral Commission after garnering 54 per cent of the total votes cast. However, the results were overruled by constitutional council, which constituted of Gbagbo's supporters by invalidating votes from Northern regions and subsequently proclaiming Gbagbo the winner. This resulted in persisted conflict that led to the capture of Gbagbo and installation of Outtara as the President.[139]

Frank points out that in Africa, politically dominant groups use their power to provide economic benefits to their kin while at the same time implement policies that expropriate other ethnic groups. The dominant groups, who frequently consider themselves more important, limits the provision of public goods to the other ethnic groups who are not in power so as to weaken them. [140] Such a system presents structural violence since the excluded group is politically,

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[138] Eze, C, *Nelson Mandela and the Politics of Empathy: Reflections on the Moral Conditions for Conflict Resolutions in Africa*, African Conflict and Peace Building Review, Vol. 2, No.1 (2012) pp. 122-135.

[139] Themner, L and Wallensteen, P, *Armed Conflicts, 1946-2011*, Journal of Peace Research, Vol.49, No. 4, (July 2012) pp. 565-575.

[140] Frank, R. and Rainer, I. *Does the Leader's Ethnicity Matter? Ethnic Favoritism, Education and Health in Sub-Saharan Africa*, the American Political Science Review, Vol. 106, No. 2 (May 2012), pp. 294-325.

socially and economically deprived. Subsequently, the prevailing structural violence degenerates into physical conflicts when elites politicize ethnicity, thus fomenting ethnic fragmentation. One respondent corroborated this argument by pointing out that politicized ethnicity foments conflicts in Africa by promoting skewed distribution of resources and amplifying ethnic diversity.[141]

In consonant with Frank's argument, Goddey observes that exclusion which basically involves denial of rights, resources and services to a group(s) of people considered less important adversely affects their quality of life and subsequently the cohesion of the society as a whole. He points out that such exclusion promotes politicized ethnicity which is a major challenge to peace, democratic governance and the rule of law in many African countries.[142] This is because politicized ethnicity which sometimes manifests in form of ethnocentrism leads to abuse of fundamental human rights and freedoms which frequently fuels discontent among some groups as highlighted by the Instrumentalist theory. Thus, politicized ethnicity in Africa encourages conflict since it manipulates ethnic identities provoking conflicts which compromise the quality of life, fundamental rights and freedoms of the excluded group. For instance in Darfur region, ethnocentrism of Arabs towards Africans has promoted politicization of ethnicity which attracts sporadic clashes in the region. This dichotomy between Arabs and Africans has been created by Arabs who consider themselves a *superior race.* As a result, this has exacerbated conflict in the region.[143]

In Sierra Leone, politicians continue to use ethnocentrism and politics of regionalism as a weapon for attaining political power. This has divided the country into North-West and South-

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[141] Interview with senior security officer, 3rd February 2017

[142] Goddey, W. *The Political Parties and Political Participation in River State, Nigeria: A Case Study of 2015 General Elections*, International Multi-disciplinary Journal, Vol. 10, No.43 (September 2016) pp. 56-68.

[143] Marsella, A.J. *International and Cultural Psychology*, International Perspective (2009), pp. 39-66

East where Temnes and Mendes ethnic groups predominantly live respectively.[144] The political dichotomy between these two major ethnic groups which is evident especially during campaign periods has polarized the country along ethnic divide, frequently culminating into sporadic conflicts. Such conflicts largely emanate from the opposition, Sierra Leone People's Party (SLPP) which has been accused of spreading propaganda based on hate, deceit and ethnocentrism, while the government continues with its politics of exclusion. Ethnic politics is evident as All People's Congress (APC) party, which has ruled the country for over thirty years, dominates the North West region, while SLPP enjoy support from the South Eastern part of the country.[145] This ethnic polarization in Sierra Leone triggered civil war as West Atlantic groups opposed Mende hegemony in the government. Furthermore, the struggle to control the diamond rich mines of the country continues to worsen the situation.[146] Though the Sierra Leone civil war formally ended in 2002, lack of ethnic inclusivity in the control of diamond mines remains a challenge to the attainment of sustainable peace in this country.

The analysis of most conflicts in Africa depicts that under provision or selective provision of public services due to ethnocentrism provokes politicized ethnicity which intensifies human insecurity especially in opposition strongholds. Selective provision of public services increases poverty and socio-economic inequality, hence heightening societal grievances due to perceived relative deprivation. Thus, as the government invests in welfare policies that underscore equitable distribution of public services among various ethnic groups, the likelihood of civil unrest is significantly reduced. This is because such policies do not only reduce poverty but they

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[144] Teddy, F. *Sierra Leone: Democracy, Ethnocentrism and Regionalism*, (2008) pp. 9-28
[145] Sherman, J. *Promoting Hate and Ethnocentrism in Sierra Leone*, (2009) pp. 1-12
[146] Huber, J.D, and Mayoral, L, *Inequality, Ethnicity and Civil Conflict*, Vol. 63, No. 7 (2014) pp. 1-24.

also shape inter-group politics.[147] Provision of public services to all members of the society also helps the government to gain public loyalty and support, thus gaining legitimacy and credibility across the political divide, a development that significantly reduces ethnic mobilization and later conflict.

Ethnocentrism can be very disastrous among federations particularly if they have a weak central government. In such situation, both the relatively rich and poor ethno-regions as a result of ethnocentrism are likely to have a secessionist agenda. The rich ethno-regions may want to secede so as to avoid the burden of funding the less developed regions, while at the same time the poor ethno-regions might advocate for autonomy so as to avoid further exploitation by those in power. Furthermore, the exploitation of peripheral regions helps the elite to use welfare differences as a tool to mobilize the population, thus fueling dissent which frequently results into conflict.[148]

By and large, politicized ethnicity promotes ethnocentrism which advances stereotypes that later on foment mistrust and hatred between diverse ethnic groups. This widens ethnic differences hence diminishing the prospects for peaceful co-existence among diverse ethnic groups. As revealed by some respondents, ethnocentrism promotes lack of inclusivity, which is a major trigger of African conflicts. As a result, this magnifies ethnic diversity, identity, mistrust and suspicion, a development that negatively affects national cohesion making conflict inevitable. Vicious cycles of conflict often erupt in such an environment especially when there is politicization of the prevailing situation.[149]

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[147] Taydas, Z and Peksen, D, Can States buy Peace? Social Welfare Spending and Civil Conflicts, *Journal of Peace Research*, Vol. 49, No. 2 (March 2012), pp. 273-287

[148] Deiwiks, C et.al, Inequality and Conflict in Federations, *Journal of Peace Research*, Vol. 49, No.2 (March 2012), pp. 289-304

[149] Interview with a Commissioner, National Cohesion and Integration Commission, 27th January 2017

2.3.2. Ethno-politics and Conflicts in Africa

Lack of ethnic inclusivity has deepened tribal cleavages in many African states, a development that continues to promote conflicts. This situation is exacerbated largely by ethno politics which plays a significant role in raising group's consciousness. Ethno politics, the intersection between ethnic identities and politics, has bred suspicion, hatred and distrust among rival groups, making cohesion and integration difficult in many African states. It has caused intra-state conflicts in Uganda, Nigeria, Rwanda, Somalia, Liberia, Sudan, and South Sudan among others. Consequently, these conflicts have triggered humanitarian crisis such as refugees and Internally Displaced Persons (IDPs) as well as severe poverty, outbreak of diseases and perpetual illiteracy in the continent. The 2004 report by the Global Coalition for Africa for instance estimates that, 700,000 people were internally displaced as at 2003 following Liberian conflict.[150] This does not only present security challenges in the affected country, but also in the neighboring states due to the impact of the asylum seekers.

Ethno politics promote perceptions of ethnic-based exclusion, a situation that has undermined interpersonal trust and consolidation of democracy in Africa by dividing the population along ethnic lines. Such divisions coupled with lack of inclusivity in decision making continue to tear down social norms, values and institutions that hitherto enhanced cooperation. Furthermore, ethno politics has played a significant role in hindering development, thus resulting into poverty which undermines peace by creating conducive environment that contributes to the abuse of human rights. The UN report on the world social situation for instance reveals that there is pervasive inequality in Sub-Saharan Africa, a situation that creates favourable environment for

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[150] Aremu, J.O. Conflicts in Africa: Meaning, Causes, Impacts and Solution, *an International Multi-disciplinary Journal*, Vol.4, No. 17 (October 2010) pp. 544-559.

the politicization of ethnicity. The report points out that the inequality in this region is extreme, whether assessed in terms of poverty, income, health, education or access to power.[151]

Ethno politics has for instance dominated Ugandan society since independence.[152] Milton Obote who was of Langi ethnic group and a Prime Minister then took power from President Mutesa of Baganda ethnic group in 1966 through a coup that led to loss of many lives, particularly the Baganda. This led to persistent political differences between Obote's administration and Baganda who felt marginalized by his regime. Obote's administration benefitted Langi ethnic group while at the same time marginalized other ethnic groups. After Obote was overthrown by Idi Amin in 1971, Acholi, Baganda and Langi ethnic groups were targeted for marginalization and abuse of their rights including extra-judicial execution. These triggered cycles of conflicts which culminated in the overthrow of Amin. Subsequently, Obote and Tito Okello were also overthrown bringing President Museveni into power.[153]

However after the end of the bush war[154] in 1986, the Acholi and Bakonzo ethnic groups, mostly found in North-Western Uganda continue to be marginalized by the government. This has created a lot of resentment that often culminates into intermittent clashes between the security agents and the locals. The government accuses the locals of supporting rebel groups, while the locals claim that they are suffering persecution from the government for supporting the opposition during general elections. The growing dissent especially among the Bakonzo has degenerated into a secessionist agenda with an intention of creating Yiira state which would

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[151] United Nations *Report on World Social Situation*, 2005, pp 1-13.

[152] Wairama, G.B. *Uganda: The Marginalization of Minorities*, Minority Rights Groups International, (2001) p. 6

[153] Francis, D.J. et al. Peace and Conflict in Africa, (New York: Zed Books London, 2008) pp. 3-37

[154] Bush war, also known as the Luwero war, refers to the guerrilla war waged between 1981 and 1986 in Uganda by the National Resistance Army (NRA) under the leadership of Yoweri Museveni against the government of Milton Obote and later that of Tito Okello

straddle parts of Uganda and North Kivu region of Democratic Republic of Congo (DRC).[155] Bakonzo are seeking to join their ethnic kins in DRC, asserting that they have suffered a lot of marginalization under President Museveni's regime.

Ethno politics continues to exacerbate ethnic based exclusion and future instability in Uganda, a situation that might negatively affect the regional security due to spillover effects. Though Museveni has suppressed the excluded ethnic groups, there is a lot of structural violence in the country due to the prevailing relative deprivation, a situation that can easily turn into physical violence, if the environment becomes conducive as happened in Libya. One respondent underscored this argument by pointing out that ethno-politics nourishes prejudice which promotes lack of inclusivity and subsequently structural violence in a society.[156]

Though Libya greatly prospered during Qaddafi's regime with free primary education, free medical care, availability of loans with no interest and increased per capita income of more than US $ 11,000 among others, ethno politics fomented conflict that culminated in the overthrow of the leader.[157] Ethnic conflict in Southern Libya between Toubou, African ethnic minority group, and local Arab tribes especially the Zwai was fueled by the discriminatory government policies. Qaddafi introduced "Arabization" policy which excluded non-Arabs, denying them basic human and political rights such as failure to include them in economic and political systems. The non-Arab minorities were denied citizenship rights, deprived free primary education and health care, faced frequent repression and were denied other basic public services. This led to the emergence

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[155] The Cross Cultural Foundation of Uganda (TCCU), *Managing Inter-cultural Conflicts in the Rwenzori Region: Interventions and Aspirations* (2014) pp.7-28.

[156] Interview with a Commissioner, National Cohesion and Integration Commission, 27th January 2017

[157] Weber, C. and Martin, P. *Ethnic Conflict in Libya: Toubou*, The Norman Paterson School of International Affairs, Carleton University, (2012) p. 5

of Toubou Front for the Salvation of Libya (TFSL), an armed rebel group that provoked ethnic conflict in 2007, leading to the deaths of many people particularly the Zwai.[158]

Though the government swiftly suppressed TFSL, the group re-emerged to fight Qaddafi in Southern Libya during the uprising that led to the fall of Qaddafi's regime in 2011.[159] Mohammed Seed Ibrahim, National Toubou Congress vice president, underscored their role in the fight against Qaddafi's regime by pointing out that, 'We led the fight against Qaddafi in the South so we could leave all these divisions behind and build Libya where everyone gets their rights. But the new government has so far not offered us any help'[160]

After the fall of Qaddafi, the Toubou and Zwai ethnic groups have re-engaged in intermittent ethnic clashes especially in the city of Kufra. Furthermore, there has been ethnic conflict between Warshefana and Zawia ethnic groups in South of Tripoli since the end of Qaddafi regime. Ethnic minorities especially Toubou continue to mobilize in order to provide community security and control illicit smuggling routes in Southern border, causing ethnic security dilemma.[161] The Libyan case demonstrates that ethno politics, which sometimes leads to exclusion, ingrains resentment among the excluded identity group, thus planting seeds of future conflict. The excluded group suffers scarcity leading to bitterness and subsequently politicized ethnicity, which culminates into conflicts. The Libyan case further demonstrates that even when the excluded group is suppressed, conflict would likely erupt whenever there is an opportunity, a move that often destroy all socio-economic and political gains made by the government.

The systematic discrimination or perceptions of discriminations of certain ethnic groups by state or dominant ethnic groups, as demonstrated by the cases highlighted so far in this study,

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[158] Ibid, pp. 1-8
[159] Ibid. pp.1-10
[160] Tracey, S. "*Libya's Committee of Wise Men for Negotiation*", Global post (May 2012)
[161] Op Cit. Weber and Martin, pp. 6-15

leads to mobilization around ethno-cultural identity of the affected groups. This subsequently leads to the emergence and proliferation of ethnic based movements and social struggles. As a result, these movements have culminated into skirmishes and struggles with an aim of changing unfair repressive regimes.[162] Moreover, change in the access to political power and subsequently economic resources is also likely to generate resentment leading to conflicts.[163] For instance, if elites of an ethnic group losses power and start experiencing relative deprivation especially in terms of economic resources, conflict become inevitable since the leaders of such a group politicize ethnicity for their own selfish interests as argued by Instrumentalist theory.

Esteban argues that for exclusion to cause conflict, the growing resentment within an ethnic group must be channeled into organized action especially through politics. This is not possible especially when the economic strength of the excluded group is so disparate.[164] This demonstrates that the likelihood of inter group conflict is determined by economic strength of the excluded group and their level of intra-group cohesion. When there is no cohesion within a group, the probability of conflict reduces since politics does not mobilize all the co-ethnics. Hendrix underscores Esteban's argument by pointing out that though grievances are important in mobilizing a group for conflict, rebellion requires long-term planning, leadership, funding and sanctuaries to evade the government.[165] This explains the absence of violence in some countries such as Rwanda and Uganda though characterized by widespread exclusion of some identity groups. In addition, memories of 1994 genocide also deter any possible violence in Rwanda, but that is likely to change with the new generation who never witnessed the genocide.

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[162] Kuzu, D, *Comparative Analysis of Political Systems and Ethnic Mobilization: Assimilation Versus Exclusion*, Vol. 10, (2016) pp. 1-20
[163] Guariso, A, *Rainfall Inequality, Political Power and Ethnic Conflict in Africa*, Vol.63, No. 4 (2016), pp1-23
[164] Esteban, J. et al, Ethnicity and Conflict: An Empirical Study, *the American Economic Review*, Vol. 102, No.2 (2012) pp. 1310-1342.
[165] Hendrix, C.S and Salehyan I, Climate Change, Rainfall and Social Conflict in Africa, *Journal of Peace Research*, Vol.49, No. 1 (2012) pp. 35-50.

In line with Hendrix's argument, Rus points out that politicized ethnicity gains momentum when groups are competing for resources that favour their insurgency.[166] Furthermore, Asal observes that the presence of oil in an area occupied by an ethnic group increases the likelihood of conflict. He points out that in such a scenario, the leaders of that ethnic group mobilize their co-ethnics and convinces them that their secession would enable them benefit more from oil deposits. He further argues that the presence of oil among these groups provide them with resources to develop their marginalized regions and fund armed struggle. He points out that the presence of resources especially oil makes it easier for elite to unite all members of ethnic group to demand for secession with a promise of more benefits from the discovered resource.[167]

However, Cederman counters the above argument by pointing out that conflict is more likely in countries where one or more ethnic groups are very poor compared to the national average. He argues that the persistent political and socio-economic inequalities fuels grievances among the disadvantaged group leading to the demand for a political change and redistribution. Cederman however points out that for the disadvantaged group to rebel, they must be made conscious that they are relatively deprived compared to other ethnic groups and that their predicament is due to a deliberate policy by the state's incumbent elite.[168] Cederman's argument thus highlights politicization of ethnicity as the main driver of ethnic based conflict. He demonstrates that without ethno politics, exclusion is unlikely to cause conflicts. Hendrix, Rus and Asal's arguments depict that ethno politics plays a critical role in fueling ethnic based conflicts.

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[166] Rus, H.A, Environmental Depletion, Governance and Conflict, *Southern Economic Journal*, Vol. 78, No. 4 (April 2012) pp. 1305-1315

[167] Asal, V, et al, Political Exclusion, Oil and Ethnic Armed Conflict, *Journal of Conflict Resolution*, Vol. 10, No. 1, (2015) pp.1-21

[168] Cederman, L.E et al, Square Pegs in Round Holes: Inequalities, Grievances and Civil War, *International Studies Quarterly*, Vol. 58 (2014), pp. 418-431

Generally, politicized ethnicity promotes perceptions of exclusion and/or exclusion which increase relative poverty among some ethnic groups. This is common especially when there are ineffective government institutions which allow political elites to divert state resources to their co-ethnics. Such fraudulence of state resources by particular group widens economic disparities among different ethnic groups, thus negatively affecting the political, social and cultural dimensions of the excluded group.[169] This in turn fuels conflict especially when exclusion is politicized.

2.4. Excluded ethnic majorities and Conflict in Africa

This section demonstrates what happens when a numerically dominant ethnic group is reduced into a sociological minority through exclusion and how this shapes inter-group politics. Some of the cases in the African continent where the minorities have dominated the majority ethnic groups includes the exclusion of the majority Africans by the white minority during the apartheid rule in South Africa, the Ethiopia and Angola case where the minority Tigray and Mbundu ethnic groups dominates majority ethnic groups respectively and the Rwanda case where the minority Tutsi dominates the state.[170] The socio-economic and political dominance by minority ethnic groups have shaped inter-group politics differently, causing a lot of resentment and subsequently conflicts by the majority groups.

In Angola for instance, ethnicity has been politicized with the major political movements: MPLA, UNITA and FNLA[171] enjoying support from Mbundu, Ovimbundu and Bacongo ethnic groups respectively. This has negatively affected the national cohesion in the country since the

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[169] Bormann, N.C, et al, *Globalization, Exclusion and Ethnic Inequality*, (January 2016) pp. 1-23

[170] Willett, S, *New Barbarians at the Gate: Losing the Liberal Peace in Africa*, Review of African Political Economy, Vol. 32, No. 106, (Dec 2005) pp. 569-594.

[171] MPLA, UNITA and FNLA stands for Popular Movement for the Liberation of Angola, National Union for the Total Independence of Angola and National Front for the Liberation of Angola respectively.

elites of the ethnic group in power have been unwilling to share the national cake with elites from other ethnic groups. Mbundu ethnic group has almost exclusively benefitted from state, excluding other ethnic groups in the country including the Ovimbundu, Angola's major ethnic group, from state power and resources. As a result, UNITA has successfully used ethnicity to gain popular support among the Ovimbundu by underscoring Mbundu's dominance in the governing MPLA. Politicized ethnicity due to lack of inclusivity has made the state appear illegitimate with UNITA asserting that MPLA has made a deliberate effort to deny other ethnic groups the benefits of oil and mineral wealth.[172] This has intensified frustration among the majority ethnic group, a development that played a significant role in fuelling Angolan civil war.

In Ethiopia, ethnic majorities have been dominated by minority group like in Angola. This was after the military victory of 1991 which replaced the perceived Amhara dominated ethnocratic state with the minority Tigray ethnic group. People's Revolutionary Democratic Front (EPRDF) with the main party, Tigray People's Liberation Front (TPLF) came into power and adopted revolutionary democracy where power is retained at the center. This minority regime, which has failed to democratize the current federal structure of government, has caused resentment among the excluded majorities such as Oromo, Amhara among others, leading to the emergence of militia groups.[173] The Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) are some of the militia groups fighting the current regime in Ethiopia on the banner of widespread marginalization. Though Oromo and Amhara make roughly 60 percent of the country's population, they have little representation at the national level.[174] This

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[172] Malaquias, A, *Ethnicity and Conflict in Angola: Prospects for Reconciliation*, pp. 95-113.

[173] Abbink, J. *Ethnic-Based Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 years*, Journal of Eastern African Studies, Vol. 5, No. 4 (2011), pp. 596-618.

[174] *Ethiopia Declares State of Emergency to Battle Riots*, Daily Nation, 10th October 2016, p. 26

has triggered various ethnic based conflicts and protests including the nationwide protests that began in 2015 demanding fair treatment and representation in the national government.

The argument that exclusion of ethnic majorities from state power increases the probability of violent ethnic conflict is demonstrated well by the case of Cote d' Ivoire. During President Houphouet's regime, Baoule, the major ethnic group, dominated the political, economic and social life. This excluded Kru ethnic group causing them to have little political influence in the national politics. This political inequality disadvantaged the Kru ethnic group, provoking a pseudo coup in 1963, 1970 Kru rebellion, 1973 and 1988 foiled coups. However after Gbagbo took power in 2000, he reversed the system favoring Kru, his own ethnic group while at the same time marginalizing Baoule , a move that provoked the first Ivorian civil war in 2002. This war, though intermittent, ended after one decade when Gbagbo was finally captured and forced to step down by Alassane Ouattara.[175] Though ethnic politics and exclusion was present when Baoule ethnic group was in power, a civil war was only fought when Kru minority group was in power, excluding the majority.

Wimmer observes that when elites from majority ethnic groups are excluded from power, they politicize ethnicity in order to mobilize co-ethnics; a move that promote widespread discontent due to their numeric strength. This subsequently promotes conflicts as argued by Instrumentalist theory. Conversely, the actions of the majority groups motivate political elites from the minority ethnic group controlling state power to favor their co-ethnic when distributing public goods and government jobs so as to gain legitimacy among their kins, a development that further heightens discontent among the excluded. Politics in such a situation degenerates into struggles and conflict pitting ethnically defined groups against each other as each seeks to

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175 Manuel, V.I, *Ethnic Exclusion and Ethno-Nationalist Conflicts-how the Struggle over Access to the State can Escalate: A Quantitative and Qualitative Analysis of West Africa*, National Center for Competence in Research (NCCR) Working Paper No. 18 (2007) pp. 1-17.

control state resources.[176] Such conflicts frequently result into violence especially when ethnic majorities are excluded from state power. Dominance in state power by the minority ethnic group leads to victimization of the excluded majority groups, increasing ethnic polarization among large sections of the population, hence triggering violent conflicts.[177]

Fearon and Laitin point out that besides the violent ethnic conflicts that have been witnessed in parts of the continent, many non-violent ethnic conflicts continue to negatively affect human security in different regions. Such non-violent ethnic conflicts have been the main cause of under development and poor governance in Africa.[178] Non-violent ethnic conflicts are common when the group in power suppresses the excluded group making them unable to organize themselves for a rebellion. After Rwandan genocide for instance, the Tutsis who constituted about 15 percent of the population took power and systematically excluded Hutu, who are over 80 per cent of the population, from state power.[179] Kagame's regime has succeeded in marginalizing Hutu through suppression which includes extra-judicial killings of his opponents, a situation that can potentially degenerate into future conflicts.

In South Africa, the white minority controlled the state and dominated the economy while at the same time discriminating the black majority. The economic and political dominance allowed them to establish the apartheid regime that further marginalized Africans even in terms of education. The dominance by the white minority brought together the black majority, colored and the Asians during the liberation struggle which ended the white minority rule.[180] Though the white minority rule was characterized by a lot of intimidation, suppression and human rights

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[176] Wimmer, A, et al, *Ethnic Politics and Armed Conflict: A Configurational Analysis of a New Global Data set,* American Sociological Review, Vol. 74, No. 2, (Apr., 2009), pp. 316-337

[177] Montalvo, G.J and Querol M.R, *Ethnic Polarization, Potential Conflict and Civil War* (2000), pp. 796-814

[178] Caselli, F and Coleman, W.J, *On the Theory of Ethnic Conflict* (2012) pp. 1-30

[179] Ibid. pp. 22-24

[180] Ndletyana, M. Political Management of Ethnic Perceptions: An assessment of the African National Congress, (2014), pp. 135-160.

violations, the black majority together with other minority groups participated in unrelenting countrywide resistance due to the relative deprivation that prevailed then. The success of the black's non-violent resistance is attributable to their numerical strength, which made popular discontent spread across the country, attracting even the attention of the international community.

Furthermore after independence, the Xhosa speaking group in South Africa has been accused by the media of conspiring to dominate both ANC and the government, excluding other ethnic groups from power. These accusations further polarized the South Africans who are both multi-racial and multi-ethnic in nature with blacks constituting 77 per cent where Zulu majority accounts for 22.4 per cent of the total population. Whites, Coloured and Asians on the other hand constitute 11, 9 and 2 per cent respectively. The debate on Xhosa domination coupled with the fact that colonialist had invested a substantial resources in entrenching ethnic consciousness during apartheid fomented ethnic polarization. This was the first challenge President Nelson Mandela's government confronted but to some extent he was able to neutralize. Today, ethnicity is not so pronounced in South Africa's contemporary politics since ANC continues to garner significant electoral support across ethnic groups.[181]

2.5. Excluded minorities and Conflict in Africa

In several African countries, the ethnic groups that are considered electoral minority have often been treated as second class citizens, underrepresented in local and national governments, neglected and denied infrastructural development in their region. This has provoked dissent

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[181] Ibid, pp. 142-149

among the minority groups sometimes resulting into protests so as to rectify the system.[182] Protests gain momentum as political elites politicize ethnicity depicting the ethnic group that controls the executive as the source of their problem. As espoused by the theory of Instrumentalist, though the excluded minority groups join protests due to frustration-aggression, they end up serving the interests of the political elites.

Jinadu demonstrates the effects of frustration-aggression in the study of Casamance rebellion in Senegal. The rebellion was organized by ethnic Diola who were marginalized by the dominant ethnic Wolof who controlled the state. This rebellion under the leadership of the *Mouvement des Forces Democratiques de la Casamance* (MFDC) escalated into military confrontation at different times especially in 1990s. Furthermore, the dominant Djerma-Songhai ethnic group in Niger, which has ruled the country for many years, entrenched ethnic politics through ethnic inequality which has aggravated ethno-linguistic rivalry in the country.[183] Even though there has been no military confrontation among these groups, structural violence is widespread.

In consonant with Jinadu's study on ethnic politics, Attah observes that underdevelopment enhances divisive socio-economic competition for limited resources and opportunities. He posits that losers in such competition often blame their political rivals for exclusion. He specifically argues that tension and violence in many parts of Nigeria is due to rampart ethnic-based politics. For instance, the frequent conflict in Warri area of the Niger Delta has been heightened by politicized ethnicity among the warring groups: Ijaw, Urhobo and Itsekiri.[184] The prevailing

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[182] Jinadu, L.A. Explaining and Managing Ethnic Conflict in Africa: Towards a Cultural Theory of Democracy, *African Journal of Political Science,* Vol. 9, No. 1 (June 2004) pp. 1-26.

[183] Ibid. Jinadu, pp. 22-29

[184] Attah, N.E, *Contesting Exclusion in a Multi-ethnic State: Rethinking Ethnic Nationalism in Nigeria*, Social Identities, Vol. 19, No.5 (2013) pp. 607-620.

ethic based politics of the Niger Delta inhabitants coupled with the competition for the control of natural resources in the oil rich region has exacerbated insecurity and conflict in the area.

Nmah corroborate Attah's argument by pointing out that the Hausa-Fulani ruling class in Nigeria, who are the dominant ethnic group, used ethnic-based exclusion as a political machinery to maintain status quo. He points out that this ruling class who controls the political, cultural, religious and socio-economic power has persistently marginalized the minority groups who are largely Christians and animist. This has led to emergence of militia groups such as O' dua People's Congress (OPC), the Ijaw Youth Congress, the Movement for the survival of Ogoni People (MOSOP), the Movement for the Actualization of Biafra Republic (MASSOB) among others who seek fair representation. [185] In addition, Nigerian military has been perceived especially by Southerners as serving the interests of the North that dominates the military.[186] The exclusion of ethnic minorities in this country has fomented structural inequalities which have the potential to erupt into physical conflict given the right atmosphere and resources.

The Somalia conflict which has persisted for over three decades, leading to the disintegration of the state, has also been significantly fueled by ethnic-based politics. This conflict has resulted into the destruction of essential infrastructure and social relations, leaving power in the hands of clan members who enjoy military might. The four major clans: Rahanweyn, Dir, Hawiye and Darod dominate not only the socio-political spheres, but also determine who has access and/or ownership of crucial resources in the country. This has led to the exclusion of the ethnic minorities such as Bantu and Bajuni who constitute roughly 20 per cent of the population, exposing them to poverty, lack of political representation and abuse of

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[185] Nmah, P. Religious Fanatism, a Threat to National Security: The Case of Boko Haram Sect, *Journal of Arts and Humanities*, Vol. 13, No.1 (2012) pp. 106-126.
[186] Op cit, Attah*, p. 617*

their rights.[187] Ethnic and clan based politics continue to induce conflict in the country, a situation that has further undermined the development of Somalia state.

The cases examined in this study so far demonstrates that lack of inclusivity often leads to politicized ethnicity and vice versa, a development that promotes conflicts, hinder development and violate human rights of residents of the affected region. As Eliasson points out:

> There is no peace without development; there is no development without peace and there is no sustainable peace and development without respect for human rights. If one of these pillars is weak in a nation or a region, the whole structure is weak.[188]

Politics in Somalia, whether based on ethnicity or clan, has instigated conflict which has torn down the country, and further threatens to negatively affect the stability of the region since Al Shabaab has taken advantage of the failed state of Somalia and are now conducting attacks in the entire region. Thus, the inclusion of minority ethnic groups in Somalia and respect of their rights as observed by Eliasson is cardinal to sustainable peace in this country and the region. Inclusion of diverse groups in the political and economic spheres would significantly reduce armed resistance currently witnessed in some parts of the Horn of Africa region.

In DRC, politicized ethnicity was entrenched by President Mobutu's government since his power structures and networks were founded on ethnicity and regional autonomy. These structures which were partisan in nature, led to the exclusion of ethnic minorities commonly known as *Kinyarwanda* speakers who are associated with Hutu and Tutsi ethnic groups. These ethnic minorities have been frequently labeled foreigners and denied fundamental rights such as citizenship, access to power and land, a situation that presents favorable environment for conflict. For instance, in 2008, the fighting that erupted in eastern DRC between CNDP and the

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[187] Mang'eni, E.B, Peace and Conflict Impact Assessment in Somalia: Opportunities for Empowerment of Ethnic Minorities, *Journal of Peace building and Development*. Vol. 9, No, 1 (2014) pp. 59-73

[188] Eliasson, J. *Peace, Development and Human Rights: The Indispensable Connection*. The Dag Hammarskjold Lecture 2011 (Uppsala, Dag Hammarskjold Foundation, 2011), p.12

government army was triggered by negative ethnicity, with CNDP claiming to be defending Tutsis in North Kivu.[189] To date, politicians in DRC continue to manipulate negative ethnicity for their selfish political interests, a situation that sometimes degenerates into conflicts as argued by Instrumentalist theory.

In Botswana, unlike many other African countries, ethnic-based politics has been minimized by the government's efforts in serving all ethnic groups fairly and improving the lot of disadvantaged groups like the San ethnic group. The government of Botswana has initiated diverse programs and projects which include road construction, provision of portable water, and building of schools, hotels and health facilities for the disadvantaged. Thus, though San ethnic group is relatively poor and have been demanding better standards of living, they have not resulted into violence due to the government's commitment to have everybody on board in its development plan. Besides, Botswana has nurtured and cherished multi-party democracy since independence in 1966 where everybody including minorities participates freely and elections have been free and fair. [190] This has addressed most of the socio-economic and political factors which are easily manipulated by elites for their own selfish interests.

Politicized ethnicity in most African countries as demonstrated by the Senegal, Cote d' Ivoire and Niger cases, frequently leads to exclusion of minorities which nurtures structural violence that rarely becomes physical. This is because minorities often lack the capacity and resources to mount a successful military confrontation especially when the state is dominated by the ethnic majority. Besides, the state easily suppresses minorities if they result into physical violence like the Libyan case where Qaddafi easily suppressed the African Minorities in 2007.

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[189] Working Paper No. 3, *Who Belongs Where? Conflict, Displacement, Land and Identity in North Kivu, Democratic Republic of Congo, Citizenship and Displacement in the Great Lakes Region*, (2010) pp. 1-26

[190] Cocodia, J. *Exhuming Trends in Ethnic Conflict and Cooperation in Africa*: Some Selected States, Vol. 1 (2012) pp. 9-25

However, given the right resources and conditions such as external support and safe havens, the prevailing structural violence can degenerate into physical conflicts. Conversely, exclusion of majority by minority ethnic groups frequently leads to physical confrontation due to their numerical strength which leads to countrywide dissent. Thus, conflict typically takes different forms, that is, structural violence and physical confrontation when minority and majority groups are excluded respectively. However, even for the excluded majority to mount successful violent confrontation, they too need funding, coordination, safe haven and proper organization.

2.6. Cross-border ethnic-based conflicts

Politicized ethnicity sometimes triggers conflicts that go beyond state boundaries and attract different actors to the conflict, thus negatively affecting the neighboring countries and the regional security at large. This is common especially when members of the same ethnic group are found in two or more countries. In such a situation, identity based politics promotes mobilization along ethnic lines provoking inter-group competition for resources and power as observed by the Instrumentalist theory. This triggers ethnic conflicts which results in the displacement of people who seek asylum among their ethnic kins across borders. This affects the host country since the influx of foreigners provokes conflicts with other ethnic groups as they compete for scarce resources. The asylum seekers often join their ethnic kin in the host country to fight other groups. Furthermore, events in the country affected by conflict increases the availability of arms in the region including the host country, making it easier for the foreigners to fight alongside their ethnic kin so as to advance their interests in the host country.[191]

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[191] Hensel, P.R and Macaulay, C, Ethnic Identity Issues and Inter-State Territorial Conflict, University of North Texas *International Studies Association*, (2014) pp. 1-14

Conversely, Kirstin observes that a trans-border ethnic group which is in conflict in one state threatens the neighboring states who perceive members of that ethnic group in their country as a threat to their national security. The perceived threat makes the neighboring states take pre-emptive and repressive actions which heightens frustration among members of this group. Repression by state frequently leads to the escalation of violence in the neighboring states, resulting in cross-border ethnic conflict. Moreover, conflict in one state is likely to spread to its neighbors due to the co-ethnic solidarity among the cross-border ethnic group who share resources and provide safe haven for each other during conflict. The solidarity among the ethnic group in many cases sustains conflict and even encourages the group to have secessionist demands in all the countries they inhabit in attempt to create a new ethnically homogenous state.[192] All these factors result into the trans-border ethnic conflict which frequently threatens regional security. The situation becomes dire when ethnic consciousness across border draws more actors to the conflict perhaps in form of financing, support in military hardware or even human resource. This complicates the conflict web, making the resolution of such conflict difficult therefore compromising regional security.

The Tutsi-Hutu conflict in Rwanda, Burundi and Democratic Republic of Congo (DRC) is a contemporary case that depicts cross-border ethnic conflicts. In this conflict, Rwandan government, currently headed by a Tutsi, has been supporting Tutsis in Burundi and DRC. Rwanda for instance invaded DRC in 1996-7, during the first Congo war, for allegedly hosting Hutu rebels who had participated in the Rwandan genocide in 1994 and later sought asylum in DRC. This invasion resulted in the massacre of tens of thousands of Hutus including innocent children and women. To date, Rwanda has been accused of supporting M-23 rebel group against

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[192] Kirstin, J.H, *Repression and the Spread of Ethnic Conflict in Kurdistan*, Studies in Conflict and Terrorism, Vol. 37, No. 6 (2014), pp. 473-487

the Congolese government whom it accuses of marginalizing Tutsi's in their territory. Rwanda's activities in DRC have emboldened Congolese Tutsis in North Kivu who have frequently provoked ethnic-based confrontations.[193] The activities of Rwanda in DRC coupled with its second invasion in 2003 to remove President Kabila from power drew other countries in the region including Namibia, Angola and Zimbabwe into the conflict in support of Kabila's administration, a development that compromised regional security.

Rwanda has also played a significant role in the current instability in Burundi by training and arming rebels who are mostly Tutsi's in an attempt to install a Tutsi led government. This has fundamentally severed bilateral relations between these neighboring countries. Conversely, Rwanda has accused Burundi of supporting rebel groups with an intention of destabilizing Kagame's administration. Rwanda points out that Burundi has been giving financial and political support to *Interahamwe*, a Hutu rebel group fighting the Rwandan government. This has not only worsened the bilateral relations, but has made Rwanda occasionally threaten to intervene in Burundi militarily. Rwanda's ethnically motivated actions in both Burundi and DRC have been motivated by politicized ethnicity between Hutu and Tutsi, a development that has compromised security in the region.[194] Politicized ethnicity can cause regional instability especially if the ethnic groups involved have their kin in the neighboring countries. The Rwanda, Burundi and DRC Hutu-Tutsi matrix depicts that ethnic relations not only lead to cross-border ethnic conflict, but can also draw in other interested parties even with no ethnic ties, a development that exacerbate conflict in the region.

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[193] Kabamba, P, *External Economic Exploitation in the DRC: 1990-2005*, African Studies Review, Vol.55, No. 1 (April 2012) p. 124

[194] Grant, A.M, *Quite Insecurity and Quite Agency in Post Genocide Rwanda*, Etnofoor, Vol. 27, No.2, Security (2015) pp. 15-36

2.7. Politicized ethnicity and Conflict in Kenya

Kenya, like many African countries, has experienced conflicts related to politicized ethnicity. After independence, politicization of ethnicity worsened as elites from Kikuyu ethnic group enjoyed preferential treatment compared to elites from other ethnic groups. Kikuyu elites not only controlled the politics but also the economy and security of the country. Their elites also dominated the security sector, board of directors and management positions in various government departments and parastatals besides being allowed to receive commissions from the newly launched enterprises.[195] Kikuyu's dominance elicited a lot of resentment among the elites from other ethnic groups who felt marginalized, a development that fomented resistance to Kenyatta's administration. Consequently, some of the President Kenyatta's former allies rebelled against his administration, leading to acrimonious relationships that frequently culminated into assassinations or incarceration of prominent personalities. This created an environment that promoted structural violence which planted seeds of negative ethnicity that characterizes Kenyan society to date.

When President Moi took power, he endeavored to redress this inequality by replacing Kikuyu elites in prominent positions with elites from other ethnic groups. However, with time he began favouring Kalenjin, his ethnic group during his appointment to senior government positions. Furthermore, in a bid to neutralize Kikuyu's economic hegemony, Moi attempted to wrestle business from Kikuyu ethnic group by sabotaging their business and other economic activities. For instance, his regime undermined the coffee, tea and milk industries which were largely controlled by Kikuyu.[196] This attracted a lot of antipathy and criticism from the political elites, especially those from Kikuyu ethnic group. The perceived ethnic based exclusion

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[195] Ogachi, O. *Economic Reforms, Political Liberation and Ethnic Conflict in Kenya*, Afrique et development, Vol.24, No. 2 (1999) pp. 83-105
[196] Ibid, pp.88-102

favouring Kalenjin deepened politicized ethnicity in Kenya and could perhaps be the reason behind the failed coup in 1982 and intermittent conflicts in 1990s.

Though there was a lot of optimism in Kibaki's Presidency by many Kenyans, his regime had no significant difference from Kenyatta and Moi regimes. Kibaki's regime systematically excluded elites from other communities, including Kalenjin who had benefitted during Moi era, while Kikuyu became the main beneficiaries.[197] This caused a lot of frustrations among political elites especially those who helped Kibaki ascend into power, a development that further exacerbated politicized ethnicity. The growing frustrations led to the fallout among coalition partners as was demonstrated by the polarized campaigns for the referendum of the proposed constitution in 2005. Furthermore, the growing dissent exacerbated politicized ethnicity in the country, culminating into the 2007/08 post-election violence. The 2005 and 2007 campaigns intensified ethnic polarization in the country as elites mobilized along ethnic lines. This underscores the main thrust of the theoretical underpinnings of this study which points out that elite's ethnic based mobilization for power and resources often culminates into conflicts.

The politicized ethnicity that was practiced by all the previous regimes has allowed the co-ethnics of the former presidents to dominate most sectors, especially public sector. For instance, a study by National Cohesion and Integration Commission (NCIC) reveals that Kikuyu is the most dominant ethnic group in all government ministries and departments except in prison and Kenya police, followed by Kalenjin. [198] These two ethnic groups who have produced the President of the republic of Kenya dominates government jobs since the respective Presidents made skewed appointment of senior government officials during their tenure, that favoured their ethnic group. Subsequently, the appointed ministers and other senior officials recruited their own

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[197] Ibid, pp.92-95

[198] National Cohesion and Integration Commission (NCIC), *Towards National Cohesion and Unity in Kenya: Ethnic Diversity and Audit of the Civil Service*, Vol. 1 (2012) pp.5-7

in these ministries and departments. This disadvantaged other ethnic groups from securing good jobs, as a result heightening poverty among them, a situation that continue to exacerbate dissent and opposition to the government to date.

The 2012 report of the NCIC depicts that employment in public universities in Kenya is highly ethnicized with the largest five ethnic groups constituting over 81 per cent of the total workforce.[199] In 2016, another study by the NCIC underscored the extent of ethnic based exclusion in public universities in Kenya with the six largest ethnic groups: Kikuyu, Luo, Luhya, Kalenjin, Kisii and Kamba occupying 70.8 per cent of all jobs in the country's 31 public universities and colleges. The report further pointed out that Kikuyu alone occupy 23.6 per cent of the total workforce.[200] The widespread ethnic-based disparities in terms of employment and key government appointments has made many people particularly those from minority groups consider the state to belong to those with strong ethnic affiliations with holders of political power.[201] As the study by NCIC demonstrates, the ethnic groups that control politics in Kenya continue to enjoy many advantages including employment and key government appointments. These groups have several representatives at various levels of government compared to other identity groups who have no representation at all.[202]

[199] NCIC, *Briefs on Ethnic Diversity of Public Universities in Kenya*, (2012) pp. 1-5
[200] NCIC, *Ethnic and Diversity Audit of Public Universities in Kenya*, (August 2016) pp. 1-3
[201] Lake, D.A. and Rothchild, D. *Containing Fear: The Origins and Management of Ethnic Conflict*, International Security, vol. 2, No. 2 (1996) pp. 41-75
[202] Stewart, F. *Horizontal Inequalities in Kenya and the Political Disturbances of 2008: Some Implications for aid Policy, Conflict, Security and Development*, Vol. 10, No. 1 (2010) pp. 133-159.

While demonstrating how entrenched and widespread ethnic-based politics is in Kenyan society, PLO Lumumba observed the following:

> Today, Kenya is under threat from negative ethnicity and corruption. Negative ethnicity informs and defines the conduct of politics and business in Kenya and operates under one unwritten rule, 'everyone is guilty except those from my community'. This attitude has created a culture of impunity which makes it difficult for institutions to fulfill their mandates because of political interference or intimidation.[203]

Though ethnic based politics has polarized the Kenyan society along ethnic lines since independence, a number of political and economic factors as already discussed have exacerbated the existing ethnic divide. Scramble for economic resources such as land has for instance been a major source of conflict due to the growing population which depends on agricultural produce. A good example is the dispute over land resettlement in Mt Elgon which led to the formation of Sabaot Land Defense Forces, a militia which committed a lot of atrocities in the region between 2006 and 2008. Land ownership is a divisive issue in Kenya and especially in Rift Valley where the Kalenjin ethnic group has been seeking to displace other ethnic groups especially the Kikuyu whom they believe are foreigners occupying their land.[204]

As demonstrated in this chapter, politicized ethnicity is a wide spread problem in Africa that undermines peaceful co-existence among diverse identity groups. Politicized ethnicity also undermines beliefs, values and attitudes that help in maintaining democratic stability. Values such as accommodating different points of view, willingness to compromise and cooperate with the opposition, holding free and fair elections regularly and allowing the winning party to peacefully form the government after elections have been adversely affected by politicized

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[203] Lumumba, PLO. "*The Trial of Integrity in Kenya*", Katiba Institute. Available at http://www.Katibainstitute.org/index. php/the-trial-of-integrity-in-Kenya (accessed 10 November 2016)
[204] Theisen, O.M, *Climate Clashes? Weather Variability, Land Pressure and Organized Violence in Kenya*, 1989-2004, Journal of Peace Research, Vol. 49, No. 1 (2012), pp. 81-96.

ethnicity.[205] Indeed, ethnic-based politics is a social evil that negatively affect societies, hence must be eradicated as much as possible.

2.8. Chapter summary

This chapter has demonstrated the role politicized ethnicity plays in African conflicts. The findings corroborate the argument that politicized ethnicity creates a favorable environment for African conflicts. This is because such politics results in the abuse of human rights, economic discrimination, ingrains the "winner takes it all attitude" and promotes manipulation of cultural differences which feeds on the "us versus them" perceptions. This kind of environment promotes structural violence, which becomes physical when some conditions are presented. Furthermore, politicized ethnicity provokes both secessionist and irredentist conflicts since the disadvantaged group seeks to either form their own state or join another state where they feel their grievances would be addressed adequately.

The chapter has further demonstrated that politicized ethnicity can manifest in form of ethnocentrism, which is the foundation upon which lack of inclusivity is built. This is because when an identity group considers itself to be special or more important compared to other groups; it frequently allocates itself all the resources and prime jobs, while excluding other ethnic groups. This often culminates into dissent and later conflicts, a situation that further worsens politicized ethnicity in the country as argued by the Instrumentalist theory. Furthermore, the chapter depicts that ethno-politics creates consciousness among the excluded group by blaming their predicament on the group in power, a move that heightens hatred, mistrust and suspicion in the society and later culminates into conflicts. This in turn negatively affects the

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[205] Payne, R.J. and Nassar, J.R. *Politics and Culture in the Developing World: Impact of Globalization*, (New York, 2006) pp. 204-210.

growth of democracy and good governance. This finding is consistent with the theoretical underpinnings of this study, which argues that conflicts erupt when elites raise consciousness among their co-ethnics through ethnic based mobilization.

Generally, this chapter argues that politicized ethnicity, which is a function of poor governance, is a major challenge to peace, democratic governance and the rule of law in many African countries. This is because such politics has promoted impunity, making it difficult even for institutions to fulfill their mandates due to political interference and intimidation. Finally, the chapter shows that politicized ethnicity is a recipe for regional insecurity and instability especially when there are excluded groups which have ethnic kins in the neighboring countries. The next chapter discusses ethnic politics and Conflict in Kenya, with a view to examine and analyze the nexus between politicized ethnicity, governance and conflict in Kenya.

CHAPTER THREE

POLITICIZED ETHNICITY, GOVERNANCE

AND CONFLICT IN KENYA

3.1 Introduction

This chapter evaluates ethnicity and politics in Kenya by bringing out the role politicized ethnicity plays in fueling exclusion or perceptions of exclusion and the vice versa, and how the inter-linkage between the two results into conflicts. The main argument here is that key players in Kenyan politics often exploit ethnic cleavages to perpetuate selfish political interest which negatively affects good governance and ultimately culminates into conflicts. This is due to the nature of inter-group politics in Kenya which promotes ethnic exclusion or perceptions of exclusion, subsequently heightening inter-group suspicion and conflicts. Conversely, ethnic marginalization affects inter-group politics by provoking the excluded groups to form ethnic-based alliances meant to gain political power, while the group in power strives to maintain status quo. This frequently leads to confrontational politics, sometimes characterized by hate speech, which polarizes many multi-ethnic societies.[206] Nevertheless, this chapter hypothesize that there is no link between ethnic-based politics and conflict in Kenya.

The chapter takes the following format: First, the chapter looks at the history of politicized ethnicity in Kenya considering the pre-colonial, colonial and post-colonial periods. Here, emphasis is given on the role colonial legacy plays in fomenting politicized ethnicity and subsequently lack of inclusivity in today's multi-ethnic society; the chapter then analyses politics

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[206]) Yieke, F. *Ethnicity and Development in Kenya: Lessons From the 2007 General Elections*, Kenya Studies Review, Vol.3, No.3 (2011pp. 8-17

of regionalism depicting the key role communities play in exacerbating ethnic marginalization. Here communities are portrayed as both victims and beneficiaries of ethnic politics. Furthermore, regional political parties and outfits like GEMA are analyzed here. Third, the chapter analyzes the effects of politics on ethnic marginalization and the vice versa showing how ethnic based politics foment unnecessary ethnic balkanization. The chapter then proceeds to examine ethnic marginalization and conflicts showing the nexus between the two variables. Subsequently, the chapter examines the role external actors especially the United States of America (USA) plays in fueling ethnic-based politics in Kenya. Finally, conclusions are drawn on the key aspects discussed in the chapter.

3.2. The history of politicized ethnicity in Kenya

The analysis of the history of ethnicity in Kenya demonstrates that the problem of negative ethnicity, which often degenerates into ethnic based politics, became severe during colonial period. Though there were intermittent conflicts among the pre-colonial ethnic groups especially in form of cattle rustling, the survival of these groups more frequently depended on the ethnic cordial relations that existed between them.[207] Juma depicts that different ethnic groups lived in various ecological localities which enabled them to accommodate each other in case of challenges such as drought. Since these challenges were not felt uniformly, various ethnic groups accommodated and assisted each other during such times.[208] Furthermore, diverse identity groups practiced batter trade amongst themselves, thus further enhancing inter-group cohesion. Generally, pre-colonial ethnic groups had fewer inter-group conflicts as there was no competition between groups for state power since there were no states.

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[207] Juma, L. Ethnic Politics and the Constitutional Review Process in Kenya, *Tulsa Journal of Comparative and International Law,* Vol.9 No.2 (2002), pp. 471-510.
[208] Ibid. pp. 480-493

Unlike the modern state, pre-colonial societies which existed as separate ethnic groups had systems of informal governments which were localized. These societies however enjoyed inter-group cordial relations due to the symbiotic relationships that existed between them especially in the area of trade and other social interactions. For instance, there was a thriving trade between the Luo, Luhya, Abagusii, Abakuria and Abasuba. However, when the British established colonial rule, they employed divide and rule tactics thus planting seeds of dissent between various ethnic groups. The colonialists worsened dissent among diverse ethnic groups by sometimes rewarding one ethnic group with the loot, mainly cattle taken from the conquered groups.[209] They manipulated ethnic differences in order to successfully entrench their rule as observed by Instrumentalist theory which argues that elites often manipulates ethnic identities for their own selfish interests.

Mamdani corroborates Juma's argument by observing that after colonialism, the creation of modern states and boundaries both at local and national level marked the genesis of negative ethnicity in Kenya.[210] The creation of ethnic districts in Kenya negatively affected cohesion among identity groups since the colonial administrative structures defined individuals as ethnic subjects first before being considered citizens. Furthermore, colonialists categorized ethnic groups into false stratum, further dividing them, for their own selfish interests. This categorization determined group's access to land and the customary law one would be judged with.[211] In addition, political organizations during this era were limited to local level, thus resulting into ethnic based political organizations. Consequently, the independent political parties such as KANU and KADU were merely coalitions of different ethnic political organizations.

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[209] Ibid. pp. 488-492
[210] Mamdani, M. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Kampala: Fountain Publishers, 1996, pp.1-15
[211] Githinji, M. *Erasing Class/ (Re) Creating Ethnicity: Jobs, Politics, Accumulation and Identity in Kenya*, Vol. 42 (2015) pp. 87-110

Kanyinga advances Mamdani's argument by pointing out that the contemporary negative ethnicity in Kenya was nurtured by the highly centralized system of administration which was inherited from colonial power, with the provincial administration based on ethnic authorities.[212] Moreover, he documents that the winner takes it all system of governance and capitalism, which were also inherited from colonial power, further fuels negative ethnicity to date. This argument was underscored by 84% of the respondents who observed that "it is our time to eat mentality" and perceived unfair distribution of resources have made diverse ethnic groups to believe that when one of their kinsmen is at the helm of power, they are likely to benefit more from national resources. This perception has played a significant role in promoting politicized ethnicity as politicians mobilize along ethnic lines for their selfish interests.

Mwaniki observes that the divide and rule strategy helped colonialist make enemies out of the previously friendly communities. He further asserts that in other circumstances, colonialists created non-existent ethnic identities by making some groups appear superior to others. After independence, zero-sum politics was promoted by the new regime just like the colonialists did, with ethnic groups classified as good or bad depending on their level of commitment to the government.[213] In such an environment, winning elections especially the Presidential one became a matter of life and death due to the highly politicized ethnic identities coupled with skewed access to public resources.[214] This has motivated intermittent conflicts in Kenya due to the growing grievances that emanates from such injustices.

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[212] Kanyinga, K. *Beyond the Colonial Legacy: the Land Question, Politics and Constitutionalism in Kenya*, vol.20, No. 31 (2000), pp. 3-25

[213] Mwaniki, N. Security Challenges Facing the Great Lakes Region, In M. Mwagiru et al, (eds) *Contemporary Security in Africa, Journal of the National Defence College, Kenya,* Vol. 3, No. 2 (Nov. 2015) pp. 70-85

[214] Klopp, J.M. Ethnic Clashes and Winning Elections: The Case of Kenya's Electoral Despotism, In *Canadian Journal of African Studies,* Vol. 55, No.31 (2001), pp. 473-517: 476

Similarly, Kwatemba traces ethnic consciousness as manifested in Kenyan politics today to the era of British colonialist who based their administrative boundaries along cultural lines. After independence, the new regime retained the same structures that were used by colonialist, further heightening negative ethnicity in the country.[215] He also points out that Kenyatta used ethic card to consolidate power and marginalize other ethnic groups and prominent personalities including his liberation colleagues. Kenyatta used state repression and political assassination as a weapon of intimidating and marginalizing others especially elites from the Luo ethnic group.

Muhula on the other hand argues that after independence, President Jomo Kenyatta embarked on the process of consolidating his rule through the policy of Africanization which enabled Kikuyu ethnic group take control of the economy and politics in Kenya. He further asserts that Kenyatta used political assassination and incarceration of his critics as a weapon to eliminate opposition to his regime. Consequently, Kikuyu controlled almost all sectors of the economy and key political institutions at the time of Kenyatta's death. The disagreement between President Kenyatta and his then vice-President, Oginga Odinga in 1966 followed by similar ideological differences during Moi and Kibaki era negatively affected the Luo ethnic group in accessing development and appointments to senior government positions.[216]

The historical disagreement highlighted by Muhula between Luo and Kikuyu elites has led to the heightening perceptions of relative deprivation especially among the Luo ethnic group, a situation that has intensified their dissatisfaction. This was corroborated during the field research where 52% of the Luo respondents observed that their ethnic group is the most affected by ethnic based exclusion, while at the same time 72% of them pointed out that Kikuyu ethnic group is the

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[215] Kwatemba, S.W. *Ethnicity and Political Pluralism in Kenya*, Vol. 7, No. 2 (2008) pp. 77-107.

[216] Muhula, R. *Horizontal Inequalities and Ethno-regional Politics in Kenya*, Kenya Studies Review, Vol. 1, No. 1 (2009) pp. 85-105

least affected by exclusion in Kenya. They asserted that Luo have suffered exclusion most due to their political inclination, while Kikuyu enjoys the national cake the most since they have controlled the executive for a long time.

Opondo also posits an argument similar to Muhula's by pointing out that Luo ethnic group, the coastal and North Eastern residents among others have been marginalized since independence. He traces this marginalization to President Kenyatta who frustrated his critics including but not limited to Bildad Kaggia, Masinde Muliro and Oginga Odinga. He observes that Kenyatta's regime introduced a new formula of succession that required the parliament to elect a successor to finish the term should the President die in office. The new formula ensured that Odinga, then the Vice-President, would not automatically succeed President Kenyatta. Tom Mboya, a powerful Minister from Luo ethnic group, was also frustrated and finally assassinated in 1969. In principal, Kenyatta excluded other ethnic groups, especially the Luo from his government, worsening politicized ethnicity in the country. For instance, out of 22 permanent secretaries he had in 1970, 9 were Kikuyu. By the time he died in office, 6 out of 8 provincial commissioners were Kikuyu and most of D.Cs, D.Os and heads of various departments were from Gikuyu, Embu, and Meru (GEMA).[217]

Opondo's argument was confirmed by many respondents from the four ethnic groups sampled in this study, that is, Kikuyu, Luo, Kalenjin and Maasai, who were in agreement that pastoral communities especially those living in North Eastern region have adversely been affected by ethnic based exclusion. 36% of the Luo respondents, 72% of the Kalenjin respondents, 72% of Maasai respondents and 64% of Kikuyu respondents observed that the pastoral communities particularly from North Eastern are the most affected ethnic group by lack

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[217] Opondo, P.A, *Ethnic Politics and Post-election violence of 2007/08 in Kenya*, African Journal of History and culture, Vol. 6, No. 4 (2014) pp. 59-67

of inclusivity in Kenya. However, the reasons given for the exclusion of these groups differed among the sampled groups. Kikuyu respondents asserted that the pastoral communities have been marginalized due to their culture, harsh climatic conditions and poor terrain. Nevertheless, the respondents from other ethnic groups pointed out that the government has contributed to the exclusion of the pastoralists by denying them resources needed for development.

3.2.1. Ethnic politics under Moi regime (1979-2002)

When Moi took over power, he employed populist appeals so as to create a power base that was different from that of President Kenyatta. Even though his administration banned welfare societies which he believed were fueling negative ethnicity, his regime thrived largely due to ethnic manipulation, which encouraged smaller ethnic groups to cling together to avoid being subdued by the larger ethnic groups.[218] Furthermore, Moi deliberately began replacing Kikuyus in senior government positions with Kalenjin elites as already observed, hence fomenting discontent among other ethnic groups. Though many citizens thought President Moi would unite Kenyans, his regime politicized ethnicity leading to the exclusion of elites from other ethnic groups including the Luo who had also suffered under Kenyatta administration. For instance, during the 1979 elections, Oginga Odinga, Achieng' Oneko, Okello Odongo, Luke Obok and Ocholla Mak'Anyengo, all prominent Luo politicians were not cleared to contest in the elections purportedly because of failing "loyalty test".[219] In addition, after the 1982 attempted coup, many people and junior military officers, mostly from Luo ethnic group who Moi felt were a threat to his regime were imprisoned.

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[218] Op cit, Kwatemba, pp. 87-103

[219] Weekly Review, 21st November, 1979.

The introduction of multi-party politics further fuelled ethnic consciousness pitting large ethnic groups against each other, while at the same time subsuming smaller ethnic groups in the process of forming coalitions. Odinga and Luhya leaders formed Forum for the Restoration of Democracy (FORD), while Kenneth Matiba was called from London to challenge Odinga and prevent him from ascending to presidency. This divided the party into two: FORD-Kenya led by Odinga and FORD-Asili led by Matiba. Though Raila and Mwai Kibaki united under National Rainbow Coalition (NARC) in 2002 to remove KANU from power, this unity was short-lived after Kibaki failed to honour the MoU between him and Raila. [220]

The fallout between Raila and Kibaki took Luo-Kikuyu dichotomy culminating in firing of Luo ministers and colleagues, a development that further heightened negative ethnicity in Kenya.[221] One interviewee while demonstrating the impact of ethnicity on politics pointed out that negative ethnicity plays a significant role in shaping voting patterns, thus determines the outcome of presidential elections. This is because political mobilization is purely based on ethnic identity. This makes it difficult for a candidate from the minority ethnic groups to succeed in national politics since coalitions are built based on ethnic arithmetic. He further asserted that once an ethnic group produces the presidency, the co-ethnics are likely to benefit more from the government appointments to key ministries and other senior public and Parastatal jobs.[222]

3.2.2. Ethnic Politics under Kibaki (2003-2013)

President Kibaki, like his predecessor, monopolized power and politicized ethnicity, further worsening the already fragile Kenyan society. His appointees to senior government offices were skewed favouring GEMA communities, a development that aggravated ethnic

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[220] Op cit, Opondo, pp. 61-65

[221] Op cit, Opondo, pp. 63-6

[222] Interview with a Lecturer, United States International University (USIU), 10th February 2017

polarization and lose of the popularity to his administration as demonstrated in 2005 when the government was defeated in the referendum on the new constitution. The 2007 general elections followed almost the same pattern, leading to skirmishes after opposition failed to concede defeat claiming elections had been rigged by PNU. A critical analysis of this and other previous skirmishes in Kenya however reveals that politicization of ethnicity, widespread perceptions of exclusion of some ethno-regions, manipulation of electoral process and land issues plays a critical role in exacerbating tribal based conflicts.

The anti Luo politics especially from Mt. Kenya region which seeks to exclude them from getting presidency was not only present during Kenyatta regime, but was prevalent during President Moi era, in 2007 and 2013 general elections where Raila Odinga lost to President Mwai Kibaki and Uhuru Kenyatta respectively in controversial elections. Opondo points out that ethnic politics in Kenya has been exacerbated by primordial sentiments and stereotypes which have been used to exclude some ethnic groups from power. He further documents that ethnic politics have flourished in Kenya partly due to weak institutions of governance coupled with a very powerful executive who appoints ministers, ambassadors, military chiefs, heads of parastatals and other senior government officials, thus leading to patron-client relationship in state machinery.

3.3. Politics of Regionalism in Kenya

Politicized ethnicity, which sometimes manifest in form of regional politics, was present in Kenya even before independence. This was evident as each region formed its own political parties to advance their regional interests. The Northern Frontier District (NFD) for instance had secessionist agenda. As a result, ethnic based political parties were formed in the region in early

1960s to advocate for secession.[223] After independence, the post-colonial government however did little to address regional politics, a development that fomented tension and intensified ethnic divisions. Regional politics, frequently characterized by tribal remarks, continues to influence Kenya's politics to date.[224] Consequently, ethnic ties remain the primary criteria political elites use for voter mobilization, a move that subsequently intensifies conflicts as highlighted by Instrumentalist theory.[225]

Political elites usually manipulate ethnic identity to mobilize support so as to gain political power, as a result, fueling politics of regionalism in the country. They often take advantage of negative ethnicity, which plays a key role in determining how people vote, to propagate their selfish political interests which in turn polarize the society along ethnic lines. The manipulation of ethnic identities, as observed by the theoretical underpinnings of this study, has exacerbated competition for resources including land which has fueled conflict in several regions, especially in Rift Valley. Forti and Maina argue that the manipulation of ethnic identities is particularly common during elections where politicians play one ethnic group against another so as to protect and expand their political space. This situation is worsened by the zero-sum electoral framework that continues to characterize Kenya's democracy.[226]

In consonant with Forti and Maina's argument, 84% of the respondents observed that politics in Kenya accelerate or fuels ethnic based conflict. This is because politicians incite their co-ethnics especially during election period so as to divert attention of the electorates from their

[223] Whittaker, H. *Insurgency and Counter-Insurgency in Kenya: A Social History of the Shifta Conflict 1963-68*, (Print force: the Netherlands, 2014) pp. 30-41

[224] Karangi, M.M. *The Gikuyu Religion and Philosophy: A Tool for Understanding the Current Religio-Political Debates in Kenya*, Anthropos, Vol. 108, No. 2, (2013), pp. 612-622

[225] Levitsky, S.R and Way, L.A, *Beyond Patronage: Violent Struggle, Ruling Party Cohesion and Authoritarian Durability*, Perspectives on Politics, Vol. 10, No. 4 (2012), pp. 869-889.

[226] Forti, D. and Maina, G. *The Danger of Marginalization: An Analysis of Kenyan Youth and their Integration into Political, Socio-economic Life*, (2012) pp. 55-70.

failures, a development that helps them to gain political mileage. Some of these respondents also pointed out that the politicians use divide and rule method, which was inherited from colonial system, by whipping ethnic emotions which causes bitterness among ethnic groups. They further asserted that politicians use these tactics to redeem their image, but in the process provoking dissatisfaction which sometimes culminates into ethnic based conflicts. This confirms the theoretical underpinnings of this study which points out that elite's manipulation of ethnic identities is a major cause of ethnic conflicts.

The ethnicized nature of Kenyan politics makes ethnic mobilization quite intense particularly during general elections, a development that heightens emotions among the electorates. To compete for presidency for instance, one is forced to first seek support from his/her ethnic group. Therefore, one must be seen to be the defender of the interests of his ethnic group before garnering their support. This sometimes motivates the political elites to use hate speech against other tribes so as to be seen as courageous leaders willing to die for the sake of their ethnic groups, a development that increases inter-tribal divisions and subsequently conflict. Once the political elites garner support of his co-ethnics, these numbers are then used for bargaining purposes including as the party candidate or making demands before supporting a candidate from a different ethnic group. [227]

While underscoring the centrality of negative ethnicity in Kenyan politics, one respondent revealed that politics is shaped along ethno-regional lines, with the group in power adopting "take it all" attitude while excluding other groups in sharing of the national cake. She observed that such politics enables politicians to use ethnic card to not only fuel exclusion and conflicts, but also shield themselves against prosecution in courts for crimes they have committed. These politicians evade criminal charges by spreading propaganda that certain ethnic groups, regions or

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[227] Ibid, pp. 60-65

political coalitions are being targeted for persecution. This often culminates into tensions that can potentially result into conflict under the slightest provocation. This scenario was evident after ICC indicted six Kenyans with charges on crimes against humanity, a situation that was politicized and made to appear that external players were behind the case, so as to install Coalition for Reform and Democracy (CORD) government.[228]

Ethno-regional politics in Kenya has resulted in unequal distribution of resources since the ethnic coalition in power controls the resources. Consequently, the unequal distribution of resources inspires the excluded communities in Kenya to use election to express their dissent to the government through the 'politics of rebellion'. These marginalized communities rebels since the promise of a 'good life' as pledged at independence remains a mirage to date, a development that continue to heighten anxiety especially among the poor who feel relatively deprived. Subsequently, this anxiety often culminates into skirmishes which disrupts socio-economic situation in the country especially during elections.[229]

3.3.1. Identity groups and ethnic marginalization

This study has established that politicized ethnicity which sometimes manifests as regional politics leads to exclusion and subsequently ethnic intolerance, as various ethnic groups compete for political and economic power. This kind of politics, which is frequently characterized by a lot of patronage, motivates political elites to form party coalitions based on ethnic lines. These coalitions are then used as tools for political mobilizations during elections and subsequently to benefit the regions that voted for the ruling party. Furthermore, individuals are harassed and sometimes attacked as happened in 1991-93, 1997 and 2007/08 due to their perceived political

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[228] Interview with NCIC Commissioner, 27th January 2017
[229] Ogenga, F. The Media Coverage of the Hague Trials and the Construction of New Ethnic Subjectivities in Kenya, *African Conflict and Peace Building Review*, Vol. 3, No.1 (2013) pp. 158-74

affiliation based on their ethnicity. This demonstrates that ethnic polarization as opposed to ethnic diversity motivates politicized ethnicity leading to conflict.[230]

On the other hand, regional politics in Kenya fuels politicized ethnicity as various local political actors who often spread negative ethnicity exerts a lot of influence on politics. Such actors have vested economic interests; hence they propagate politicized ethnicity for their own interests.[231] After the 2002 general elections for instance, NARC government immediately began to split due to the perceived exclusion of some members of the coalition. The political actors, mostly from the GEMA communities, controlled the executive and the economy of the country, thus intensifying dissent within the coalition partners.[232] The other coalition partners felt alienated from state sanctioned benefits, a development that provoked conflict among them. This culminated in the increased politicization of ethnicity in the country, a development that further fragmented the society along ethnic lines.

Conversely, perceptions of ethnic based exclusion have negatively affected regional politics as demonstrated by the voting patterns which are based on ethnicity. As a result, presidential candidates enjoy overwhelming support from their co-ethnics. Other ethnic groups without a co-ethnic candidate also form coalitions and support certain candidates so as to benefit after elections. This is due to the widespread perception that ethnic belonging determines economic and social welfare of an individual. Consequently, ethnicity is a key factor that influences the probability of one's victory in an electoral process.[233] This explains why Kenyan

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[230] Kasara, K. Separate and Suspicious: Local Social and Political Context and Ethnic Tolerance in Kenya, *The Journal of Politics*, Vol. 75, No. 4 (2013) pp. 921-936

[231] Wanyande, P. *'The Politics of Alliance Building in Kenya: The Search of Opposition Unity'* In The Politics of Transition in Kenya: From KANU to NARC, edited by Oyugi, W. et al, Nairobi: Heinrich Boll Foundation (2003) pp. 128-54

[232] Kanyinga, P and Long, J.D The Political Economy of Reforms in Kenya: The Post-2007 Elections Violence and a New Constitution, *African Studies Review*, Vol. 55, No. 1 (2012) pp. 37-41

[233] Long, J.D. and Gibson, C. Evaluating the roles of Ethnicity and Performance in African Elections: Evidence from an Exit Poll in Kenya, *Political Research Quarterly*, Vol. 68, No. 4 (2015) pp. 830-842

politics is highly ethnicized with the presidential candidates enjoying massive support from their co-ethnics while at the same time garnering almost nothing from the rival's ethnic group.

One respondent corroborated this argument by observing that perceptions of ethnic-based exclusion encourage the mushrooming of political organizations and parties that are not issue based. He pointed out that in such an environment, different identity groups naturally identify themselves with parties that are affiliated to their ethnic communities regardless of the ideology of the party, thus heightening negative ethnicity and subsequently conflicts. He further pointed out that ethnic based politics makes the excluded population lose confidence in public institutions, negatively affecting the six parameters of social cohesion: that is, shared prosperity, equity, peaceful co-existence and respect for diversity, tolerance and trust among individuals of different ethnic groups, a situation that creates favourable environment for conflicts.[234]

Ethno-regional politics in Kenya confirms that negative ethnicity is a major predictor of vote choice. Voters elect co-ethnic to express ethnic solidarity and also due to stereotypes which make co-ethnic view their own to be good leaders while at the same time negatively evaluate other ethnic group's leadership abilities. Furthermore, political elites propagate regional politics by mobilizing their co-ethnics to vote as a bloc through spreading propaganda that heightens fear, anxiety and animosity among various groups. After elections, the same political elites entrench ethnic marginalization through favoritism in service delivery, infrastructural development and recruitment to public service jobs among other benefits.[235]

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[234] Interview with NCIC Commissioner, 27th January 2017

[235] Hoffman, B.D and Long, J.D. *Parties, Ethnicity and Voting in African Elections*, Comparative Politics, Vol. 45, No. 2 (2013) pp. 127-146

Wolff puts it well by observing that:

> Ethnicity acquires enormous power to mobilize people when it becomes a predominant identity and means more than just a particular ethnic origin; it comes to define people as speakers of a certain language, belonging to a particular religion, being able to pursue some careers but not others, being able to preserve and express their cultural heritage, having access to positions of power and wealth or not. In short, when ethnicity becomes politically relevant and determines the life prospects of people belonging to distinct ethnic groups, it is possible to mobilize group members to change a situation of apparently perpetual discrimination and disadvantage or in defence of a valued status quo.[236]

Basically, regional politics frequently leads to ethnic marginalization which in turn causes polarization and fragmentation along ethnic lines, thus heightening politicized ethnicity. Such politics also allows policies which shape the utilization and distribution of public goods. Here, policies whether good or bad flourish as long as they serve the interests of the region, a situation that further heightens politicized ethnicity. In addition, regional politics compels co-ethnics to cooperate due to the fear of purported negative consequences in case they don't, hence negatively affecting the growth of democracy.[237] Ethnic groups in such a situation mobilize along ethno-regional lines so as to attain political and/or economic power not because of good party ideologies but driven by fear and intimidation.

3.3.2. Regional Political Parties

Membership to political parties in Kenya has been influenced by ethnicity since independence as politicians use them to mobilize support and conduct their campaigns, resulting in ethnic bloc voting. After the repeal of section 2(A) of the Kenyan Constitution in 1991, politicized ethnicity gained momentum and encouraged the formation of regional political parties that not only lacked ideology capable of appealing to all Kenyans but also discipline. Under this

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[236] Wolff, S. Ethnic Conflict, A Global Perspective, Oxford: Oxford University Press, p.31

[237] Clark, C.G and Barak, D.H. Coalitions not Conflicts: Ethnicity, Political Institutions and Expenditure in Africa, *Comparative Politics*, Vol. 45, No. 3 (2013), pp.273-290

circumstance, aspirants for various political seats almost stood no chance of winning elections in regions where their ethnic groups were the minority. [238] Ethnicity has thus dominated the Kenyan society, hindering the growth of issue based politics. The widespread politics based on ethnic alliances has subsequently helped politicized ethnicity to flourish in the country, a development that has further promoted negative ethnicity and conflicts.

The resulting weak political system has compelled the presidential candidates to either rely on their ethnic group or ethnic coalitions for support. Coalitions such as National Rainbow Coalition (NARC) that took President Mwai Kibaki to power, Kalenjin, Maasai, Turkana and Samburu (KAMATUSA), the ethnic coalition that defended President Moi's regime and Gikuyu, Embu and Meru association (GEMA) among others were formed at different times in Kenyan history to defend ethnic interests. Such ethnic coalitions have made politicians to tally their support in terms of tribal arithmetic or what has recently been called the *Tyranny of numbers.[239]*

Wanyama underscores the extent to which politicized ethnicity has been entrenched in Kenya by pointing out that during party nominations, various parties affiliated to both the opposition and the government conducts primaries that are marred by irregularities and sometimes conflict since victory in party primaries almost guarantees one's success during elections due to ethnic bloc voting. KANU primaries for instance were consistently characterized by vote rigging, bribery and violence in 1990s. In addition, during 2007 party primaries, losers who had good connection with party leaders were given nomination certificate which enabled them to be elected since voters considers the regional party more important than the suitability of

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[238] Kadima, D. and Owour, F. *The National Rainbow Coalition Achievements and Challenges of Building and Sustaining Broad-Based Political coalition in Kenya*, In Kadima, D (ed) The Politics of Party Coalitions in Africa: Auckland Park, Eisa 2006, pp 13-35

[239] Ibid, pp. 16-9

the candidate. [240] As hitherto illustrated, ethnic bloc voting in Kenya is due to the politicization of ethnicity as argued by the "Instrumentalist theory of ethnic conflicts.[241]

While demonstrating the effects of ethnic based voting on politics and the vice versa, many respondents pointed out that politics enables leaders without leadership qualities or qualifications to be elected due to their ethnic affiliation. This allows incompetent leaders to occupy offices while at the same time denying good leaders opportunities to lead. One of the respondents categorically pointed out that "people are likely to vote a morally bankrupt politician into office just because he/she is a co-ethnic". He observed that this negatively affects upcoming leaders especially from the minority groups who are likely to be unsuccessful due to the ethnic arithmetic. Politics, which is the main tool for the distribution of power and resources, is thus likely to lead to inequitable distribution of resources, further heightening ethnic based exclusion.

Under Kenya's multi-party system of governance, political parties have been merely ethnic conglomeration. In 1992 general elections, KANU under Moi overwhelmingly enjoyed support from Kalenjin and other minority tribes; FORD-Kenya led by Odinga was mostly a Luo and Bukusu party, while DP and FORD-Asili led by Kibaki and Matiba respectively were parties dominated by Kikuyu. During the 1997 elections, politicized ethnicity further played a key role in determining the voting patterns. In Coast region for instance, politics was highly ethnicized due to the propaganda that the dominant ethnic groups from other parts of the country were a threat to coastal residents. The original inhabitants of the coastal region were made to believe that the upcountry ethnic groups intended to dominate them, a situation that fomented violence frequently directed to the upcountry ethnic groups.

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[240] Wanyama, F. 'Voting without Institutionalized Political Parties: Primaries, Manifestos and the 2007 General Elections in Kenya' In Kanyinga, K. and Okello, D, (eds) *Tensions and Reversals in Democratic Transitions*. Nairobi: Society for International Development and Institute for Development Studies-UoN, (2010) pp. 10-34
[241] Ibid, pp.23-30

The fear among the coastal residents made the then four main presidential candidates in the opposition quite unpopular. Charity Ngilu of Social Democratic Party (SDP), Mwai Kibaki of Democratic Party (DP), Kijana Wamalwa of Forum for the Restoration of Democracy (FORD-Kenya) and Raila Odinga of National Development Party (NDP), all performed dismally in coastal region during the 1997 elections.[242] Though these four main presidential candidates were unpopular in coastal region, they all enjoyed popular support from their respective places of origin, with each securing at least 25% of the votes. Kibaki garnered at least 25% of total votes in central, Eastern and Nairobi regions commonly dominated by the GEMA communities; Odinga garnered at least 25% of the votes from Nyanza, while Ngilu and Wamalwa passed the regional 25% test in Eastern and Western regions respectively.[243]

Though KANU appeared to enjoy support from various regions, it was due to the image the party had acquired from Kenyatta's and Moi's regime. However, in the run up to the 2002 general elections, ethnic exclusion within KANU's top decision-making organ was more evident than never before. Five out of seven KANU national officials: that is, Daniel Arap Moi, National chairman; William Ruto, director of elections; Julius Sunkuli, acting Secretary general; Nicholas Biwott, organizing secretary and Kipng'eno Arap Nge'ny, deputy treasurer, all came from Rift Valley.[244] Generally, elections in Kenya demonstrate that negative ethnicity which is manifested by ethnic bloc voting plays a critical role in determining one's political association.

During the 2002 general elections, NARC coalition was a combination of different ethnic parties which later became distinct after the 2005 fallout. This fallout rekindled the Luo-Kikuyu

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[242] Mazrui, A. *Ethnic Voices and Trans-ethnic Voting: The 1997 Elections at the Kenya Coast*, In M. Rutten et al. Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya, (Fountain Publishers: Kampala, 2001) pp. 277-84

[243] Ibid. pp. 280-3

[244] Jonyo, F. The Centrality of Ethnicity in Kenya's Political Transition, In W.O. Oyugi (ed) et al, *The Politics of Transition in Kenya: From KANU to NARC*, (Nairobi: Heinrich Boll Foundation, 2003) pp. 55-74

animosity which was evident during the 2007 general elections. In these elections, PNU was mainly a party dominated by Kikuyu and their cousins, Meru and Embu, while ODM was a party for the Luo, Kalenjin and other tribes from western Kenya. The resulting politicized ethnic dichotomy led to post-election skirmishes due to the buildup of dissent along ethnic lines. The ethnic groups which supported ODM started violence after PNU presidential candidate was declared the winner, sparking retaliatory attacks from the PNU supporters.

Furthermore, Uhuru Kenyatta's campaign vehicle, that is, TNA and URP whose ethnic composition was mainly from GEMA communities and Kalenjin respectively won the 2013 general elections against CORD which was mainly composed of Kamba, Luo and some sections of Luhya ethnic group. Though there were no skirmishes during the 2013 general elections, the atmosphere was tense, as majority of citizens were mobilized along ethnic lines.

By and large, an assessment of various political parties in Kenya demonstrates that ethnicity determines the voting patterns in the country, with communities that feel alienated from the political power seeking to control state through ethnic politics. Elections are therefore considered an important vehicle for the transfer of state resources to favoured regions since areas with influential political figures enjoy more development in terms of infrastructural projects and employment opportunities. The politicization of ethnicity by leaders who are keen to attain or maintain political power has not only damaged Kenya's social fabric, but has also made various ethnic groups to vote based on ethnicity and not ideology, thus leading to a structurally unstable society.[245] This in turn has left the Kenyan society so prone to conflicts whenever there is a trigger. The 2007 Presidential election results, as shown in table 3.1, corroborates the argument that negative ethnicity, which is manifested through ethnic bloc voting, is the major determinant

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[245] Op cit, Kwatemba, pp. 79-94

of voting in Kenya, a development that polarizes the society along ethnic lines and subsequently increasing the feeling of ethnic marginalization especially during election period.

Table 3.1: Presidential result for the year 2007

Support for the candidate	% of votes cast Central province	% of votes cast in Rift Valley province	% of votes cast Nyanza province	% of votes cast Western province
Mwai Kibaki	97	33.5	16.9	32.2
Raila Odinga	1.9	64.5	82.4	65.9
Others	1.1	1.9	0.7	0.7

Source: Electoral Commission of Kenya, 2007

Table 3.1 above depicts that Kibaki, a Kikuyu, enjoyed massive support from central region which is dominated by Kikuyu ethnic group, while Raila from Luo ethnic group, enjoyed considerable support from his co-ethnics in Nyanza region. This data represents the general trends witnessed in Kenya during voting where ethnic affiliation, unlike party ideology, influences the choice of candidates especially in the presidential ballot.

Githinji observes that most political parties in Kenya are regional and highly ethnicized. He points out that these parties have no ideology for popular mobilization, hence fails to appeal to the citizens across the country. As a result, the political elites promote politicized ethnicity in order to mobilize support for these parties. These parties are subsequently used by regional power barons to bargain for government posts at the national level, a development that has

intensified politicized ethnicity in the country. This situation in turn continues to exacerbate ethnic fragmentation and subsequently conflicts as observed by the theory of Instrumentalist.[246]

Ethnic based politics and marginalization persists in Kenya despite a number of political parties and leaders having acknowledged its negative effects.[247] For instance, Article 9 of the FORD-ASILI manifesto declared the following:

> Kenya has many communities and groups exposed to acute vulnerabilities. There are regions in the country that have since independence, been marginalized deliberately by governments that in the process, they became vulnerable to social depression in security, famine, disease, ignorance and illiteracy. The small tribes/communities, pastoral communities, children and those with disabilities and victims of chronic diseases like renal failures, HIV/AIDS are such communities that the society has deliberately ignored. FORD-ASILI believes that all the ethnic communities and social groups of whatever nature in Kenya are what makes it a state and must therefore work overdrive and overtime to integrate all, so as to create a harmonious state.[248]

Furthermore, FORD-People had also made a commitment to promote inclusivity in the society so as to alleviate politicized ethnicity. Almost a decade later during the 2007 General elections, the Party of National Unity (PNU) made the same commitment by proposing that the government would come up with a devolution strategy that would enable all regions to receive equitable share of resources. PNU envisaged that this would promote a cohesive society which is secure and tolerant, thus would no longer matter which tribe, religion or region one comes from. However, all these visions by various parties have never been realized since the Kenyan politics continues to be influenced by negative ethnicity which exacerbates perceptions of ethnic-based exclusion and subsequently conflicts. Lack of inclusivity is so widespread in the country to date as confirmed by 61 per cent of the respondents who pointed out that, arid and semi-arid areas like North Eastern are the most affected ethno-region, with another 51 per cent of the

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[246] Githinji, M. and Holmquist, F. *Reform and Political Impunity in Kenya: Transparency Without Accountability*, African studies Review, Vol. 55, No. 3 (2012) pp. 53-74
[247] Cottrel-Ghai, J. et al, Taking Diversity Seriously: *Minorities and Political Participation in Kenya*, (2013), p.8
[248] Ibid. p. 8

respondents asserting that central region is the least affected by exclusion. Consequently, this continues to play a significant role in exacerbating politicized ethnicity which fuels conflicts in the country.

3.4. Politicized ethnicity and marginalization

As already demonstrated, most of the post-colonial Kenya has been characterized by regional politics which sometimes culminates into intermittent violent struggles for economic and political power among diverse ethnic groups. These violent struggles occasionally involve criminal activities fueled by politics and historical grievances whether real or perceived. For instance, criminal gangs normally supported by political elites have been used to fight during election periods in Kenya purportedly due to electoral irregularity. The alleged electoral irregularity is however used as a scapegoat to fight for other interests. As a result, the deep rooted historical grievances have motivated the coalescing of power along ethnic lines, a development that has heightened politicized ethnicity and conflict in the country.[249]

Politicized ethnicity thus continues to tear down the Kenyan society by impeding national cohesion, through spreading hate among ethnic groups. For instance, the political elites frequently uses land question and border issues, mainly in Rift Valley region, to gain political mileage by portraying non-Kalenjin as foreigners. These land related grievances have been frequently used to marginalize other ethnic groups in this region, where opportunistic politicians use land ownership to foment electoral violence.[250] Furthermore since 1990s, some of these politicians have been mobilizing and encouraging potential supporters to acquire voter's card and

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[249] Carotenuto, M. and Shadle, B. *Introduction: Toward a History of Violence in colonial Kenya*, The International Journal of African Historical Studies, Vol. 45, No. 1, (2012), pp. 1-7
[250] Boone, C. Land Conflict and Distributive Politics in Kenya, *African Studies Review*, Vol. 55, No. 1 (2012) pp. 75-103

subsequently turn out in large numbers to vote, while at the same time discouraging voters perceived to be aligned to the opposition, mostly from GEMA communities who live in Rift Valley, from voting through intimidation.

Ethnic mobilization for political reasons has resulted in perceptions of marginalization and other times legitimate marginalization among the affected ethnic groups, leading to sporadic conflicts in some regions. Conversely, these conflicts have often magnified ethnic differences making citizens identify themselves with their ethnic groups more as opposed to being Kenyan citizens. As Kauffman points out, politicized ethnicity has heightened mistrusts among ethnic groups which continue to shape Kenyan politics. [251] This is because ethnic entrepreneurs underscore the idea of ethnic based exclusion so as to provoke violence which is used as an instrument for influencing the voting patterns purely for elites' economic and political interests.[252]

Similarly, while demonstrating the extent to which ethnic based exclusion affects politics in Kenya, one respondent stated that lack of inclusivity or perceptions of lack of inclusivity foments dissent among some sections of the population, a situation that determine voting patterns. Conversely, she pointed out that politics exacerbates ethnic-based exclusion and subsequently conflict since politics determines who gets what, when and how. She thus asserted that when politics is ethnic based, as is common in Kenya, the distribution of resources follows the same pattern.[253] Such situations foment dissatisfaction and ethnic based mobilization which later culminates into politicized ethnicity and conflict as pointed out by the theoretical underpinnings of this study.

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[251] Kauffman, C. 'Possible and Impossible Solution in Ethnic Conflict, *International Security*, Vol.20 (1996), pp.136-75

[252] Sambanis, N. and Shayo, M. Social Identification and Ethnic Conflict, *The American Political Science Review*, Vol. 107, No. 2, (2013) pp. 294-325

[253] Interviews with Senior Security Officers, 4th February 2017

Perceptions of ethnic marginalization in Kenya worsen during electioneering times due to the politicization of ethnicity which portrays certain ethnic groups as suffering due to the ruling class. [254] This promotes ethnic mobilization which negatively affects inter-group politics due to the heightening ethnic hatred. The resulting inter-group politics in turn impact the quality of lives of some people as was underscored by one respondent who observed that *Siasa mbaya, maisha mbaya* literally translated as 'bad politics leads to bad life', which could be translated as, the kind of inter-group politics existing in an ethno-region determines the quality of lives of its residents.[255] Furthermore, politics is used to institutionalize perceptions of exclusion or even legitimate exclusion, and later justify the exclusion regardless of how widespread it is, a move that breeds frustrations and further conflicts in the society.[256]

Jonyo points out that to a large extent, politics in Kenya is driven by negative ethnicity since the cardinal factor used for political mobilization is ethnicity. He cites William Ole Ntimama, who projected himself as a defender of Maasai rights, as a result constantly invoked ethnic card to mobilize Maasai's especially during election period. In the run up to 2002 elections, Ntimama observed that Maasai would support NARC since the community had been marginalized by colonial, Kenyatta and Moi administrations. For this reason, he declared that Maasai would join a party that could bring them development. [257] Thus, Maasai's political opposition to the government, just like many other ethnic groups in Kenya, has been informed by the deprivation whether real or perceived, a development that has polarized the country along

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[254] Lang, B. and Sakdapolrak, P. *Belonging and Recognition After the Post-election Violence: A Case Study on Labour Migrants in Naivasha, Kenya,* Vol. 68, No. 3 (2014) pp. 185-192

[255] Interview with the Executive Director, Social Development Link, A Non Governmental Organization, 10th February 2017

[256] Ibid. 10th February 2017

[257] Op Cit, Jonyo, pp. 55-74

ethnic lines. Jonyo's point of view confirms what Kiraitu Murungi had pointed out while he served in the opposition:

> For a long time we have labored under the delusion that we are a nationalists who think as Kenyans. We pretend that we participate in politics purely on the basis of issues, principles and national interests. But we act on the basis of our tribal and personal interests.[258]

One respondent also corroborated this argument by observing that political elites present themselves as defenders of their ethnic groups, hence magnifying ethnic differences. He pointed out that this allows the elites to conduct political mobilization along ethnic lines, raising suspicion and unnecessary enmity that fuels ethnic based conflicts. This was the case in the run up to 2007 general elections when the rhetoric of forty one against one was used to mobilize people along ethnic lines, a development that culminated in the 2007/08 post-election violence.[259] The observation by this respondent clearly depicts that politicized ethnicity is the main perpetrator of exclusion and subsequently conflicts as asserted by the Instrumentalist theory of ethnic conflicts.

Collier and Sambanis demonstrate that ethnic fragmentation in Kenya; especially during campaign periods and inequity in resource distribution which has resulted in economic inequality among diverse ethnic groups have fueled conflicts in Kenya.[260] In line with their argument, Sabala points out that skewed access to national resources and poor representation of some ethnic groups in the government is an incubator of internal conflicts in Kenya, a situation that is worsened by politicized negative ethnicity and suppressed employment opportunities.[261]

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[258] Murungi, K, East African Standard, 22nd November 1998

[259] Interview with NCIC Commissioner, 27th January 2017

[260] Collier, P. and Sambanis, N. *Understanding Civil War: Evidence and Analysis*, Vol. 2 Washington DC: World Bank, (2005), pp. 23-37

[261] Sabala, K. An Appraisal of Contemporary Human Security Threats in the Horn of Africa, In M. Mwagiru (ed) et al, *Contemporary Security In Africa, Journal of the National Defence College, Kenya*, Vol. 3 No.2 (Nov. 2015), pp. 86-100

The common knowledge among many respondents was that distribution of resources and political appointments are largely influenced by politics. They therefore observed that when one ethnic group dominates politics, it leads to ethno-regional inequality which fuels dissent among the excluded groups. This corroborates Horowitz's argument who observes that majority rule is not always a good system of governance in ethnically divided societies since such system allows one group to dominate others, thus creating fear among the dominated ethnic groups.[262] This fear is fuelled by the fact that the interests of diverse ethnic groups are compromised in an environment that condones ethnic based politics. Furthermore, Saideman points out that:

> Political insecurity will be most extreme when a particular ethnic group captures the state, or an ethnic group is denied access to state, or when the state is not yet captured but can be seen as susceptible to domination by one group. When a single ethnic group controls all of the state apparatus, all other ethnic groups will be threatened, as they can no longer rely on an impartial adjudicator of disputes or an unbiased protector. Instead, the resources of the state may be used against ethnic groups out of power in favor of those in power. Again, two responses are likely-attempts to gain control over the state or to opt out of it.[263]

Ethnic politics has led to the marginalization of some identity groups in Kenya since public expenditure decisions are largely influenced by senior government officials who are appointed mainly by the executive. This possibly explains why poverty indices for Central and Rift Valley regions, which have produced Presidents, are at 31% and 44% respectively compared to Nyanza and Western which are at 61% and 65% respectively.[264] Round six Afro barometer data further underscores the extent of inequality in Kenya by demonstrating that 12% of households in central region have access to piped water compared to 1% in Nyanza region.[265]

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[262] Horowitz, L.I, *The Democratic Imagination*, (Transaction Publishers: New Brunswick-USA, 1994), pp. 11-21

[263] Saideman, S.M. Is Pandora's Box Half Open or Half Full? The Limited Virulence of Secessionism and Domestic Sources of Disintegration in *The International Spread of Ethnic Conflict: Fear Diffusion and Escalation*, edited by D.A. Lake and D. Rothchild. Princeton, NJ: Princeton University Press, 1998. Pp. 43-78

[264] Op cit, Muhula, pp. 90-97

[265] Walker, C. Afro barometer Round 6: *Lack of Safe Water, Sanitation Spurs Growing Dissatisfaction with Government Performance*, No. 76 (2012) pp. 1-18

This horizontal inequality, resulting from ethnic politics, has resulted in political rivalry and ethno-regional animosity that sometimes culminates into conflicts during general elections due to the feeling of relative deprivation.

Kenyan politics has been controlled by strong men from both sides of the political divide, who exploit ethnic identity pitting one ethnic group against another so as to gain political power. This was evident in 2007 when political elites spread propaganda that intensified negative ethnicity and state bias causing a lot of dissent among the citizens.[266] This argument was underscored by 54% of the respondents, mainly from Kikuyu ethnic group, who argued that politicization of negative ethnicity by political elites builds perceptions of ethnic based exclusion even where there is no exclusion, thus fomenting conflicts. They pointed out that politicized ethnicity and not marginalization *per se* foments ethnic based conflicts as underscored by Instrumentalist theory of ethnic conflicts.

Conversely, while demonstrating the effect of politicized ethnicity on ethnic exclusion in the country, Omolo points out that the head of public service, central bank, most parastatals, police service among others were all from Kikuyu ethnic groups during President Kenyatta's regime.[267] This significantly changed during Moi's regime as Kalenjin replaced Kikuyu in most of these prime jobs. The same pattern was repeated during Kibaki's administration.[268] This has made many Kenyans to believe that the presidency has exclusive advantages to the incumbent's ethnic group. As a result, this has played a significant role in shaping the politicization of ethnicity in the country. However, Githinji and Holmquist observe that though the political elites

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[266] Lynch, G. Courting the Kalenjin: The Failure of Dynasticism and the Strength of the ODM Wave in Kenya's Rift Valley Province, *African Affairs*, Vol. 107, No. 429 (October, 2008) pp.

[267] Omolo, K. Political ethnicity in the Democratization Process in Kenya, *African Studies*, Vol. 61, No. 2 (2002), pp. 209-221

[268] Kimani, W. Emancipatory Practices: *Ethnicity in the Contemporary Creative Industries in Kenya, Race/Ethnicity: Multi-disciplinary Global Context*, Vol. 3, No. 2 (2010), pp. 251-263

normally invokes horizontal re-distribution of resources to mobilize their co-ethnics during campaigns, once in office, the common man gains relatively little.[269]

Morumbasi observes that when certain sections of the population feel marginalized, the probability of conflict increases, whether that marginalization is real or not.[270] The feeling of exclusion and alienation has been exacerbated in Kenya by tribal based politics which exaggerate horizontal inequalities. This kind of politics subsequently degenerates into conflict due to the feeling of relative deprivation among the perceived excluded group.[271] In areas that are perceived to have suffered exclusion especially among pastoralists communities such as Maasai, political elites underscores past "injustices" and build a perception of a current unfair political system among co-ethnics in order to gain political mileage. However, though political elites in such areas continue to politicize the current state of their co-ethnics, they do little to address the predicament of their co-ethnic.[272] Thus, as Berman asserts, politics of post-independent Kenya has played a key role in heightening the perceptions of exclusion leading to conflicts.[273]

One respondent observed that perceived ethnic based exclusion has been politicized and made to look real to common man due to the biased reporting by the media. He specifically pointed out that politics fuels perceptions of ethnic based exclusion even where there is no exclusion like the Kenyan case. However, he asserted that these perceptions whether real or not

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[269] Githinji, M. and Holmquist, F. The Default Politics of Ethnicity in Kenya, *The Brown Journal of World Affairs*, Vol. 16, No. 1 (2009), pp. 101-117

[270] Morumbasi, K. State Survival and Terrorism in Africa, In M. Mwagiru (ed) et al, *Contemporary Security in Africa, Journal of the National Defence College, Kenya*, Vol. 3, No.2, (Nov 2015), pp. 1-15

[271] Osita, A.A. *Ethnicity and Democratization in Africa: Challenges for Politics and Development*, No.62, (2011) pp. 8-24.

[272] Greiner, C. et al, Notes on Land-based Conflicts in Kenya's Arid Areas, *African Spectrum*, Vol. 46, No. 3 (2011), pp. 77-81

[273] Berman, B. et al, Patrons, Clients and Constitutions: Ethnic Politics and Political Reforms in Kenya, *Canadian Journal of African Studies,* Vol. 43, No. 3 (2009), pp. 462-506

have the capacity to fuel conflicts especially during elections.[274] Another respondent while underscoring the impact of perceptions in Kenyan politics asserted that ethnic-based exclusion affects voting patterns due to the perceptions that the presidency benefits co-ethnics through easy access to public resources. He observed that co-ethnics usually vote for their own due to the perception that once in office, the leader would protect their interests. Political elites capitalize on these perceptions to mobilize voters along ethnic lines, as asserted by Instrumentalist theory, thus heightening negative ethnicity and subsequently conflicts.[275]

Table 3.2 below demonstrates the effect of politicized ethnicity in shaping perceptions in Kenya. This table depicts that lack of inclusivity is for instance perceived differently by diverse ethnic groups in the country, a development that foments various behaviors by different ethnic groups. Those who perceive themselves as marginalized have been disenfranchised, while those who feel their kins are in the government displayed high levels of satisfaction as demonstrated in this table. As a result, this has shaped the nature of politics between diverse ethnic groups, subsequently affecting the prospects for conflicts. The data presented in this table shows various perceptions among the respondents that participated in this study.

Table 3.2: Perceptions among Kenyan citizens

Respondents (Ethnic group)	Govt has done a lot to address exclusion (%)	Govt has done nothing (%)	Pastoral communities most affected	Luo most affected (%)	Kikuyu/Kalenjin least affected (%)
Luo	4	76	36	52	80
Maasai	36	56	72	0	52
Kalenjin	44	48	72	4	46
Kikuyu	56	32	64	8	24

Source: Field data, 2017

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[274] Interview with a Lecturer, University of Nairobi, Institute of Diplomacy and International Studies (IDIS), 17th February 2017

[275] Interview with Senior Security Officer, 6th February 2017

From the 100 respondents who participated in filling the questionnaires, it was observed as demonstrated in table 3.2 that ethnic based exclusion in Kenya is perceived differently by various ethnic groups. While some ethnic groups believe that the government has done a lot to address this problem, some felt that the government has been the main perpetrator of the vice. 76 per cent of the respondents from Luo ethnic group for instance, observed that various governments in Kenya have not done anything to address ethnic based exclusion. They asserted that this is due to tribalism, lack of political goodwill; it is our time to eat syndrome, divisive politics and lack of proper legislation against ethnic based exclusion and corruption. They pointed out that instead, the governments have been concerned with the interests of the governing elites. Furthermore, 36 per cent of the respondents from this ethnic group identified pastoral communities such as Maasai, Samburu and Turkana as the most affected by the ethnic based exclusion, while 52 per cent of them considered Luo ethnic group as the most affected while at the same time, 80 per cent asserted that Kikuyu and Kalenjin are the least affected. These respondents pointed out that Luo Nyanza lags behind in development since it has been considered opposition stronghold.

However among the Kikuyu respondents, only 32 per cent asserted that the Kenyan governments have done nothing to address ethnic based exclusion, while 56 per cent asserted that the governments have done a lot to address this malady. They observed that vision 2030 is the roadmap to inclusive society in Kenya and further argued that the establishment of the commission for revenue allocation, equalization fund and devolution are great efforts the government has put in place to address ethnic based exclusion. They further observed that systematic implementation of development projects such as good infrastructure and social

amenities such as health centers all over the country is a major milestone in dealing with ethnic based exclusion in Kenya.

In addition, 64 per cent of them identified pastoral communities as the most affected by exclusion due to poor climatic conditions in their regions, cattle rustling, geographical location and ignorance among the residents. Moreover, 8 per cent of these respondents identified Luo ethnic group as marginalized, while at the same time 24 per cent of them identified Kikuyu and Kalenjin as least affected by ethnic based exclusion.

Among the Kalenjin respondents, 48 per cent pointed out that the previous governments have done nothing to address lack of inclusivity in Kenya. This is due to nepotism, tribalism, greed to amass wealth and lack of political goodwill. Furthermore, they asserted that exclusion has nurtured impunity, hatred and lack of respect for institutions of governance and among ethnic groups. They also pointed out that lack of inclusivity has negatively influenced politics by encouraging tribal based voting patterns as opposed to voting based on ideology. 72 per cent of these respondents identified pastoral communities as most affected while 46 per cent identified Kikuyu and Kalenjin as least affected by ethnic based exclusion.

Among the Maasai respondents, 56 per cent of them observed that previous governments have not done anything to address ethnic based exclusion due to tribal based politics and ignorance among citizens. They argued that ethnic politics spreads incitements and hate speech, further heightening inter group animosity and exclusion which later causes voter apathy as people lose hope in their political leaders. On the other hand, they asserted that politics spread hatred among ethnic communities as politicians incite their co-ethnic against others, thus igniting conflicts. 72 per cent of these respondents identified pastoral communities as among the most affected by ethnic exclusion due to rampant insecurity, lack of education among other factors,

while 52 per cent identified Kikuyu as least affected. They pointed out that ethnic based exclusion divides and makes people vote along ethnic lines, thus interfering with the democratic process of selecting the right people. They asserted that lack of inclusivity leads to politics of suspicion and hatred, hence fomenting ethic based conflicts.

The above data demonstrates that respondents from various ethnic groups had diverse opinions on which ethnic group in Kenya is excluded, how they are excluded and why. This discrepancy in perceptions among the respondents from the four ethnic groups sampled depicts that exclusion is perceived differently by different ethnic groups due to the negative effects of politicized ethnicity in the country. These perceptions have been built over time by political elites through ethnic mobilization for elite's own selfish interests, a development that has shaped Kenyan politics and conflict along ethnic lines as argued by Instrumentalist theory.

3.5. Ethnic marginalization and conflicts

Ethnic grievances which are commonly motivated by politicized ethnicity are likely to worsen, when large section of the population feel marginalized based on their ethnicity.[276] Such grievances provoke repression from the government which attempt to silence them, a development that radicalizes the affected constituency. Government repression radicalizes the affected group by increasing the sense of injustice and heightening the perception that political change can only be achieved through protests, demonstrations and other forms of resistance. This exacerbates conflict as was common in 1990s during President Moi's regime, when ethnic

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[276] See Chapter 2, pp. 62-67

mobilization was used as a strategy to retain power. This political strategy exploited ethnic identities which heightened discontent, leading to strikes and demonstrations.[277]

Deliberate discrimination of certain ethnic group(s) weakens the political system since the excluded group(s) works against that system. This foments discontent and possibly conflict as the opposition seeks to change the system, sometimes using unconstitutional means, while those who control the state power fights to maintain the status quo. In contrast, engaging the marginalized group(s) in politics, economy and in socio-cultural aspects helps in the growth and sustainability of democracy which enhances national cohesion.[278] 81 per cent of the respondents underscored this argument by pointing out that, ethnic based exclusion stifles democracy, erodes trust among ethnic groups, compromises local conflict resolution mechanisms, and heightens inter-tribal hatred which fragments the country along ethnic lines. They also observed that since Kenyan political parties are ethnic based, competition for power between these parties is essentially competition between ethnic communities, which breeds tensions and subsequently conflicts during election period.

The politicization of ethnicity is a major cause of conflicts in Kenya since it promotes ethnic inequalities. President Kenyatta for instance politicized ethnicity and promoted Kikuyu hegemony both in political realm and economically as hitherto indicated, a development that led to ethnic dichotomy in many aspects.[279] When President Moi came into power, he sought to rectify the unequal structure that had been put in place by his predecessor that favoured Kikuyu ethnic group. This caused a lot of bitterness among the Kikuyu elites and the entire ethnic group who were perceived to be losers in the new regime. Luo elites were also a bitter lot due to the

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[277] Hedström, J and Smith, J. *Overcoming Political Exclusion: Strategies for Marginalized Groups to successfully engage in Political Decision-making, International Institute for Democracy and Electoral Assistance*, (2013) pp. 5-30
[278] Ibid, Hedström, J and Smith, J. pp. 6-12
[279] See Chapter 2, p.75

exclusion they had suffered during Kenyatta era and continued by Moi regime. As a result, elites from these two ethnic groups politicized ethnicity and formed a coalition of convenience meant to dislodge President Moi from power. This provoked KAMATUSA to intermittently attack Kikuyu, Luo and other groups which were perceived to be affiliated to the opposition, a development that led to sporadic ethnic conflicts.

Furthermore, politicized ethnicity was manifest where non-KAMATUSA living in Rift valley, who had attained voting age were denied Identity Cards (IDs) so as to deny them their right to vote with an intention of forcing them to go back to their ancestral homes. This group was humiliated and denied basic human rights including that of voting for their preferred candidate, a situation that provoked a lot of discontent within the Rift Valley region. Besides, the non-KAMATUSA group was often threatened to be evicted from the region due to their political affiliation. Ethnic based politics which leads to ethnic marginalization and later conflicts have also been witnessed in other regions including coastal region where indigenous ethnic groups seek to displace 'immigrants' especially the Kikuyu.[280]

Ethnic marginalization leads to mobilization along tribal lines, a move that enhances in-group cohesion among co-ethnics while at the same time causing inter-group hatred.[281] The in-group cohesion makes it easy for politicians to propagate propaganda directed at the other ethnic groups, a move that easily promotes inter-group suspicion due to the existing hatred. This is often heightened by the media which covers the prevailing mobilization and existing inequalities. Generally, ethnic based exclusion, whether real or perceived is likely to degenerate into inter-

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[280] Oyugi, W.O, *Politicized Ethnic Conflict in Kenya: A Periodic Phenomenon*, Addis Ababa (2000), pp. 2-14

[281] Deutsch, K. Social Mobilization and Political Development, *American Political Science Review*, Vol. 55 (1961) pp. 493-514

group hatred and subsequently conflicts due to the role such perceptions plays in heightening the politicization of ethnicity among different ethnic groups.[282]

Githongo considers the electoral malpractices that resulted in 2007/08 skirmishes as a trigger, pointing out that the main factor that fomented the conflict was politicized economic inequalities among ethnic groups. He observes that the politicized ethnic based exclusion among some sections of the population played a key role in exacerbating ethnic divisions which later culminated into the skirmishes. He specifically points out that President Kibaki failed to form a politically inclusive government by abandoning NARC's MoU that was so significant in fighting exclusion. This coupled with the growing inflation that characterized the first years of Kibaki's administration fomented toxic relations among diverse ethnic groups in Kenya. Consequently, non-GEMA communities began feeling a sense of exclusion and loss of dignity, a development that heightened negative ethnicity culminating into post-election skirmishes.[283]

Economic theories of civil war advance the argument that poverty and slow economic growth enhances conflict. In line with this argument, most poor regions in Kenya have witnessed increased conflicts, a development that has prompted the ethnic groups living there to acquire weapons for self defence. These regions are not only the epicenter of conflicts in Kenya, but also rank the highest in terms of poverty levels.[284] The Waki commission of inquiry into 2007/08 post-election violence underscores the argument by economic theories of civil war that, inequalities in resource allocation and politicization of ethnicity, which leads to increased poverty in some regions, is a major source of conflict in Kenya. The report further points out that

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[282] Olzak, S. Does Globalization Breed Ethnic Discontent? *The Journal of Conflict Resolution*, Vol. 55, No. 1 (2011), pp. 3-32

[283] Githongo, J. Fear and Loathing in Nairobi*: The Challenges of Reconciliation in Kenya, *Foreign Affairs*, Vol. 89, No. 4 (2010), pp. 2-9

[284] Carment, D. et al, The Internationalization of Ethnic Conflict: State, Society and Synthesis, *International Studies Review*, Vol. 11, No. 1 (2009), pp.63-86

economic marginalization in Kenya and the perception that presidency carries with it advantages for president's co-ethnic are major drivers of ethnic based conflict.

As already mentioned, the Rift valley region in Kenya has been characterized by ethnic based conflict since the introduction of multi-party politics in the country. However, the causes of this conflict, which primarily revolves around the controversy over land ownership, date back to 1960s and 1970s when the Kenyatta administration encouraged and facilitated the resettlement of large number of non-Kalenjin, especially the Kikuyus, in Rift Valley region. Kenyatta regime sponsored private land buying companies which were headed by influential people in the government. This helped many people especially from Kikuyu and Luo ethnic groups who had many shares in these companies to acquire large tracks of land in Rift Valley. As a result, control and access to land coupled with ethnicized belonging and recognition has become a major political issue in this region especially during campaigns.[285]

In 1990s, politicized ethnicity in form of land ownership culminated in the eviction of about 300,000 people and the death of at least 1,500 more, mostly Kikuyus, in the Rift Valley. This was repeated during the 2007/08 post-election violence where, non-Kalenjin especially the GEMA communities, were evicted from the region and others killed.[286] A deeper analysis of these post-election skirmishes in Rift Valley demonstrates that politicized ethnicity that underscores the question of land ownership has played a major role in fueling these conflicts. This is because the scramble for land has fueled ethnic based exclusion especially of those considered 'foreigners', a situation that has ended up in intermittent conflicts in the region. Even though the 2010 Kenyan Constitution has largely addressed land issues through the establishment of National land policy, which underscores the principles of equity and justice,

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[285] Op cit, Boone, pp.82-98
[286] Op cit, Lang and Sakdapolrak, pp.187-190

highly politicized land conflicts are likely to be witnessed in the near future.[287] This is because Kenyan politics on land is redistributive in nature, thus creating winners and losers, particularly in Rift Valley where land allocation is highly politicized and contested.

3.6. External players and Politicized ethnicity in Kenya

After the end of cold war, Western donor agencies and countries embraced civil societies in many African countries including Kenya as alternatives for the governments which were increasingly characterized by poor governance.[288] Thus, civil societies became the main actors in donor politics who believed that empowered civil societies would keep government in check thus promoting good governance. Civil societies were not only critical actors in internal conflict resolution, but they also played a significant role in ensuring the government respects the rule of law. The Law Society of Kenya (LSK) in particular was so critical on the government due to its oppressive policies. As a result of criticizing the government, most civil societies were harassed except churches and ethnic based associations which were considered less confrontational.[289] Despite suppression of civil society organizations, Western donor countries continued piling pressure on president Moi's administration, forcing the government to amend section 2A of the Constitution that paved way for multi-party politics. This encouraged the proliferation of ethnic based political parties, subsequently intensifying politicized ethnicity and conflicts.

In early 1990s, donor funding towards the NGO sector attained leverage in the country after the government funding for development stopped and people were given responsibility to develop their regions. Furthermore, the worsening corruption and poor governance compelled

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[287] Kenyan Constitution, chapter 5

[288] Nzomo, M. Civil Society in the Kenyan Political Transition: 1992-2002, in W.O. Oyugi et al (ed), *The Politics of Transition in Kenya: From KANU to NARC,* (Nairobi: Heinrich Boll Foundation, 2003), pp. 180-207

[289] Meirav, M. Powerful Actors make a Difference: Theorizing Power Attributes of Non-State Actors, *International Journal of Peace Studies*, Vol. 14, No. 2 (2009), pp.55-82

donors to closely monitor political situation in the country through the NGOs. This made the NGOs particularly those dealing with human rights advocacy enjoy massive funding especially in the run up to the 1997 general elections. The US for instance supported at least 15 right based organizations. Most of these organizations were serving the interests of the West who wanted a new regime, a development that heightened dissent among the elites who enjoyed power. These elites as a result politicized ethnicity portraying members of civil society as unpatriotic citizens who were serving the interests of foreign governments.[290] Consequently, this period witnessed the mushrooming of ethnic based associations and militia who were keen to defend ethnic interests and at the same time counter the influence of civil society.

Furthermore, Britain and China have also played a significant role in influencing Kenya's economic and political development. This has consequently created conducive environment for the politicization of ethnicity in Africa and Kenya in particular. China for instance seems interested with only trade in Africa, with little regard on issues of transparent and accountable governance, a development that is likely to promote poor governance and heightened corruption in the country. In addition, China's presence in Africa and Kenya in particular threatens job losses among Africans and high inflation owing to huge debts, a situation that is likely to heighten poverty and subsequently create a favourable environment where politicization of ethnicity thrives.

While underscoring the role of external actors in Kenyan politics, one respondent revealed that when there is skewed funding or when some parties are denied funding, it becomes difficult for them to support their activities. Consequently, these parties source for external funding in order to cater for their budget, a development that gives external actors the latitude to influence

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[290] Bachman, J. and Honke, J. 'Peace and Security' as Counter terrorism? *The Political Effects of Liberal Interventions in Kenya, African Affairs*, Vol. 109, No. 434 (2010), pp. 97-114

Kenyan politics.[291] Thus, since the introduction of multi-party politics in Kenya, political parties mostly in the opposition have enjoyed a lot of support, including financial support from the West particularly the US. The increased funding of political parties in Kenya has encouraged the proliferation of ethnic based political parties. Furthermore, opposition and the civil society organizations in Kenya have been emboldened by external support hence making political competition even more vigorous. The intense political competition due to emboldened opposition has encouraged political actors to appeal to ethnic emotions during campaigns.

3.7. Chapter Summary

This chapter has established that politicized ethnicity promotes perceptions of exclusion and sometimes legitimate exclusion, which leads to poor governance and ultimately conflict. Politics magnifies exclusion based on ethnic identity and sometimes create the perceptions of ethnic exclusion even where it does not exist, a situation that intensifies discord among ethnic groups. The chapter further reveals that ethnicization of politics and vice versa, exclusion of some ethno-regions, political manipulation of electoral process and politicized land issues plays a significant role in exacerbating tribal based conflicts. In addition, the manipulation of ethnic identities by political elites in order to mobilize their support enhances politics of regionalism in the country, a move that further attracts conflicts.

Conversely, lack of inclusivity within Kenyan society shapes politics along regional and/or ethnic lines with the group in power adopting *take it all attitude* while excluding the elites from minority and other marginalized groups in the sharing of the national cake. Therefore, under Kenya's multi-party system of governance, political parties have been merely ethnic

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[291] Interview with the Director of Research, *Center for Sustainable Conflict Resolution*, a Civil Society Organization, 3rd February 2017

conglomerations who seek to either attain or maintain power. This is demonstrated by the voting patterns since 1992 where negative ethnicity has influenced voting and consequently polarizing the society along ethnic lines. As a result, this has increased the feeling of ethnic marginalization especially during election period.

Though skewed access to national cake and poor representation of some ethnic groups in the national government is an incubator of internal conflicts, ethnic entrepreneurs have exaggerated the idea of ethnic based exclusion, consequently provoking violence which is used as an instrument of influencing the voting patterns purely for elite's interests. This is worsened by politicized negative ethnicity and occasionally suppressed opportunities, a situation that heightens discord among diverse ethnic groups in Kenya. Therefore, ethnic based politics and not marginalization *per se* is the main contributor of conflicts in Kenya since such politics intensifies perceptions of exclusion. When certain sections of the population feel marginalized, the probability of conflicts increases whether the exclusion is real or not.

The chapter has also established that ethnic based exclusion is perceived differently by various ethnic groups due to the role played by politicized ethnicity in Kenya. While most of the Kikuyu respondents believe that the government has done a lot to eliminate ethnic based exclusion, most of the Luo respondents asserted that there has been no political goodwill to address ethnic based exclusion since the people in power are the beneficiaries of exclusion. Furthermore, apart from Kikuyu respondents, most of all other respondents identified Kikuyu as the least affected by ethnic based exclusion. These two findings depicts that the idea of ethnic based exclusion in Kenya is relative, depending on one's ethnic group. The chapter further demonstrates that politicized ethnicity due to weak institutions of governance and the zero-sum electoral framework is not good for Kenyan democracy.

Finally, the chapter has demonstrated that external actors have played a key role in shaping Kenyan politics through funding of political parties and civil society organizations. The funding of political parties has encouraged the mushrooming of many ethnic based parties with no ideology. This has played a significant role in determining how diverse ethnic groups relate with one another. In addition, the chapter depicts that external support has emboldened opposition parties making electoral competition quite intense, hence political elites are forced to appeal to ethnic emotions to gain support. The next chapter examines Politicized ethnicity, Distribution of Resources and Conflict in Kenya, with a view to investigate the extent to which politicized ethnicity affects resource distribution and subsequently conflict in the country.

CHAPTER 4

POLITICIZED ETHNICITY, DISTRIBUTION

OF RESOURCES AND CONFLICT

IN KENYA

4.1. Introduction

There has been mixed reaction on the extent to which ethnic based exclusion impact on conflict in Kenya. While some believe that ethnic based exclusion is the catalyst for conflicts, others assert that politicization of ethnicity causes conflicts by creating lack of inclusivity and sometimes perceptions of ethnic exclusion even where it does not exist. As demonstrated in chapter 3, different ethnic groups in Kenya have diverse opinions on the role of exclusion on ethnic conflicts: is it exclusion along ethnic lines that causes conflicts or it is the politicization of perceived ethnic exclusion.[292] Furthermore, there has been a lot of controversy on which ethnic group(s) in Kenya has been excluded, by who and to what extent. Thus, it is a common error, or what is usually called *base line fallacy* to presume that the ethnic based conflicts that have been witnessed in Kenya have all been driven by ethnic marginalization.

It is against this background that this chapter investigates the extent to which politicized ethnicity affects resource distribution and subsequently conflict in Kenya. The main argument here is that politicization of ethnicity promotes unequal distribution of resources and/or perceptions of inequality, leading to grievances which culminate into conflicts. The chapter begins by examining factors that have contributed to ethnic based exclusion in Kenya with an aim of demonstrating that lack of ethnic inclusivity which has multiple causes does not

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[292] See Chapter 3, pp. 109-111

necessarily cause conflicts when ethnicity is not politicized. Subsequently, the chapter investigates politicized ethnicity, distribution of resources and conflict in Kenya vis-à-vis the already discussed factors. The main focus here is to show how politicized ethnicity affects resource distribution and subsequently conflict. The third section of the chapter discusses ethnicity and employment in Kenya showing the role politicized ethnicity has played in affecting employment patterns including key government appointments. The chapter then discusses some of the persistent perceptions that have been entrenched usually through politicization of ethnicity and the role such perceptions plays on conflicts in Kenya. Finally, the chapter draws conclusion.

4.2. Factors contributing to ethnic based exclusion in Kenya

Though ethnic-based exclusion has been persistent in Kenya for many decades, there has never been a common understanding of its causes. While some analyst and politicians especially from the opposition politicize ethnic exclusion associating it to the deliberate efforts by policy makers, a number of scholars points out to other factors which they argue have contributed to lack of inclusivity in Kenya. Cooksey et al for instance assert that lack of inclusivity in Kenya emanated from uneven economic development by colonialists and the spread of missionary activities. This is because areas where colonial masters settled and where missionary activities were concentrated developed faster than those areas which were not penetrated. For instance, Kikuyu and Luo ethnic groups found themselves at a privileged position at independence because of the missionary activities/colonialism that penetrated these areas earlier than most other regions in Kenya. Kikuyu particularly had access to basic services such as education due to their proximity to colonial and missionary activities. Access to education enhanced their prospects for employment and status, thus further heightening exclusion since those with education controlled both the private and public sector at independence. The unequal distribution

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of resources by the colonialist/missionaries was however politicized upon independence, hence heightening grievances and subsequently conflicts.[293] This study therefore demonstrates that though unequal distribution of resources in Kenya is historical and has various causes as depicted in this section; its politicization especially in terms of ethnicity has been a major cause of conflicts in the country.

Ethno-regional inequalities in Kenya are also linked to factors such as political patronage, misappropriation of public resources by political leadership and poor policy choices. These factors become more manifest when there are weak oversight institutions which allow senior public officers to misdirect public resources in favour of certain regions. The weak institutions allow distorted planning, thus giving rise to unequal distribution of public resources and services such as education and health care which are paramount for individual growth. As a result, ethno-regions which have influential political elites benefit more from these misallocations compared to other regions in the country. In Kenya for instance, political patronage that existed especially during the single party era resulted in a lot of discrimination of some ethno-regions, a situation that exacerbated regional disparities.

In addition, successive governments in Kenya augmented lack of inclusivity by their desire to maximize the investment of limited national resources. The Kenyatta and Moi administrations for instance did not see the need of channeling a lot of resources to less productive areas such as North Eastern, which had little production potential. This explains why Kenyatta administration concentrated infrastructural development in tea and coffee growing areas in Central region, while Moi regime was concerned with grain growing regions of Rift Valley. These two post independent governments considered investing national resources in some areas, especially arid

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[293] Cooksey, B. et al, Education for Self-Reliance and Harambee, in J. Barkan (eds) *Beyond Capitalism Vs. Socialism in Kenya and Tanzania*, (Nairobi: East African Education Publishers, 1995), p. 201

and semi-arid regions, as economically imprudent. This in turn led to skewed access to livelihood opportunities as pointed out by one of the respondents, leading to economic insecurity among the residents of the excluded regions.[294]

As advanced by constructivist theory, the process of state formation entrenched ethnic identification and later differentiation as different ethnic groups found themselves in one state whereas in other cases, members of one ethnic group were scattered in different states. Consequently, this degenerated into competition among different ethnic groups for scarce resources within the new states, a development that culminated into exclusion of ethnic groups without influential political leaders. [295] The competition for limited national resources subsequently led to politicization of ethnicity as elites mobilized along ethnic lines for their selfish interests as asserted by Instrumentalist theory. This argument was corroborated by one respondent who observed that lack of equity, equality and regional balance in terms of resource distribution has provoked intermittent conflicts in the country especially during elections, a period considered critical for re-distributing national resources.[296]

Kivuva points out that ethno-regional disparity in Kenya can be traced to the migratory patterns and economic activities of the diverse ethnic groups. He observes that the group's economic activities determined where they settled and the extent to which capitalism penetrated these areas. For instance, pastoral communities settled in semi-arid areas with large tracks of land for grazing their animals while cultivators settled in fertile soils for their farming and those communities that depended on fishing settled along rivers and lakes. Therefore, while some ethnic groups settled in regions endowed with a lot of resources and good climatic conditions,

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[294] Interview with NCIC Commissioner, 27th January 2017
[295] Ahlerup, P. and Olsson, O. The Roots of Ethnic Diversity, *Journal of Economic Growth*, Vol. 17, No. 2 (June 2012), pp. 71-102
[296] Interview with Senior Security Officer, 4th February 2017

others settled in resource scarce regions, a development that continue to determine the level of exclusion and inclusion in the Kenyan society to date. He asserts that depending on where particular ethnic group settled, climatic conditions continue to exacerbate their level of exclusion.[297]

Though Kenya has used its diverse culture to promote tourism that has helped the country market itself internationally and earn revenue,[298] some cultures among ethnic groups have been retrogressive and have thus promoted exclusion among the ethnic groups who practice them. Some rituals, social practices, way of life and traditional belief systems have acted as a stumbling block to the development of some ethno-regions in Kenya, a move that has further exacerbated ethnic-based exclusion in the country. Some of the most affected regions are home to pastoralists who have little regard to formal education. Maasai for instance have for a long time valued their animals more than any other form of investment including education, a development that has made them vulnerable to further exclusion. Furthermore, some rituals and social practices such as polygamy among the Luo ethnic group have also contributed to high levels of poverty due to large number of dependants per household. Other cultural practices such as female genital mutilation leading to early marriages have also contributed to exclusion.

Ochieng' corroborates Cooksey's argument by observing that ethnic-based exclusion in Kenya has been intensified by state's discriminatory character, where state sometimes deliberately discriminated some regions while at the same time favouring other regions. This took different forms such as political patronage which enabled state resources to be distributed in a skewed manner favouring regions with influential political elites, skewed appointments to

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[297] Kivuva, J. The Political Dynamics of Regional Disparities and Marginalization in Kenya, in Stiftung, F.E, *Regional Disparities and Marginalization in Kenya*, Nairobi Elite Pre Press Ltd (2012), pp. 4-29

[298] Okumu, O.S. The Concept of Intangible Cultural Heritage in Kenya, in A.M. Deisser and M. Njugguna, *Conservation of Natural and Cultural Heritage in Kenya*, (2016), pp.45-58

senior government offices with appointees subsequently influencing infrastructural development in their regions and arbitrariness of the President, especially in creating constituencies and districts whenever he decided. This culminated in some regions being over represented in government compared to others.[299]

Though Kibaki for instance came into power with a promise to eradicate ethnic favouritism which had become endemic in the country, upon assuming office, his administration just like the previous ones was involved in serious corruption scandals while at the same time surrounded himself with advisors mainly from his ethnic group, Kikuyu, and their cousins from Meru and Embu. This eroded the optimism among many Kenyans who considered Kibaki a symbol of national cohesion and integration. His administration later had skewed government appointments that favoured Mount Kenya region.[300]

The other factor that contributed in intensifying ethnic-based exclusion in Kenya was the laissez-faire mode of development approach that was adopted by the post-independent governments. This development approach was not concerned in alleviating regional disparities. For instance, Kenyatta's regime was concerned with economic development in general and less concerned with redistribution. This made the poor ethnic groups unable to afford some basic services including the cost of education for children which was for example the parent's responsibility. As a result, poor ethno-regions were unable to acquire good education and health care which subsequently meant poor rate of employment, high levels of poverty and low mortality rate.[301] Ethnic based exclusion, as one respondent asserted, has hindered socio-economic development of many residents from the poor regions, thus restricting many from

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[299] Ochieng', W. "Structural and Political Changes" in B.A. Ogot and W. Ochieng' (eds) *Decolonization and Independence in Kenya, 1940-1993* (Nairobi: East African Education Publishers, 1995) p. 89

[300] Finkel, S.E et al, Civic Education and Democratic Backsliding in the Wake of Kenya's Post-2007 Election Violence, *The Journal of Politics*, Vol. 74, No. 1 (Jan 2012), pp. 52-65

[301] Op cit, Cooksey, et al. p. 211

achieving their full potential.[302] This presents structural conflicts since the disadvantaged group(s) compares itself with the group in power, a development that fuels relative deprivation.

Piragauta observes that though different languages spoken by diverse ethnic groups promote intra-group cohesion, languages have on the other hand reduced integration among ethnic groups. This is because local languages are used to define different ethnic group. In addition, language is also sometimes used as a tool to spread prejudice, thus heightening ethnic differences among diverse groups, a development that further hinders lack of inclusivity among groups.[303] In Kenya for instance, local languages have been used by political elites as tools for spreading propaganda and hatred especially during general elections. The campaign period leading to the 2007 general elections illustrate this argument better since local languages were used to spread hatred, prejudice and propaganda that culminated into post-election skirmishes.

In addition, Lieberman observes that institutionalization of ethnic categories whether formally or informally introduces what he calls "us" versus "them" perception among groups. This in turn promotes politicized ethnicity as already pointed out in this study. In Kenya, though there has been no deliberate policy to institutionalize ethnicity, the ethnic group's social networks, which different groups identify with, informally institutionalizes negative ethnicity in Kenya. For instance, the ethnic based associations whether political, social or religious in nature have created ethnic differentiation and subsequently inter group comparisons, a situation that foments inter-group competition and later conflicts.[304] The ethnic institutionalization intensifies inter-group prejudice, further widening the gap between different ethnic groups, a situation that information brokers use to mobilize co-ethnic resulting into exclusion and later conflict.

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[302] Interview with *International Relations Scholar, Lecturer at USIU*, 10th February, 2017

[303] Piragauta, A. Sociability and Ethnic Identity, in L. Vaughan, *Suburbs and Urbanities* (2015), pp. 263-286

[304] Lieberman, E.S, and Sing, H, The Institutional Origins of Ethnic Violence, *Comparative Politics*, Vol. 45, No. 1 (October 2012), pp. 1-24

Though all these factors discussed in this section have led to ethno-regional disparities in Kenya, they have not automatically caused conflicts. This demonstrates that exclusion *per se* does not cause conflicts. Thus, ethnic exclusion must be politicized especially through ethnic lens to provoke conflicts. Political elites have ignored all these factors, instead underscoring the perception that the government has deliberately excluded some ethno-regions, a situation that foments conflicts. Even worse is the fact that politicization of ethnicity has created perceptions of exclusion even where it does not exist, a development that provokes intermittent conflict. This has led to conflicts since different ethnic groups perceive other groups as the reason for their lack of development. Politicization of ethnicity has led to mobilization along ethnic lines, as argued by Instrumentalist theory, resulting into tensions within the society. Subsequently, these tensions present structural conflicts which become physical even under the slightest provocation, especially during general elections.

4.3. Politicized ethnicity and Distribution of resources in Kenya

This section argues that politicized ethnicity has played a fundamental role in promoting uneven distribution of resources in Kenya. In addition, political elites have taken advantage of the existing unequal distribution of resources to spread propaganda for their own political interests, thus provoking conflicts. For instance, regions such as Marsabit, Samburu, Mandera, West Pokot, Tana River and Turkana, have poor infrastructural development and higher poverty levels due to various reasons compared to other areas such as Kiambu, Nyeri, Kirinyaga, and Murang'a. Other regions that are relatively poor compared to the Central region include Coast and Eastern regions. These areas with high poverty levels and poor infrastructural development are also frequently characterized by low literacy levels, poor human development index, few

social amenities including schools and high levels of insecurity. [305] These ethno-regional disparities in Kenya are not necessarily due to a deliberate policy by the government to exclude some areas but results from a combination of factors discussed in section 4.2 above. Politicians however frequently take advantage of the prevailing economic disparities within regions to spread propaganda that serves their selfish political interests, a development that heightens ethnic fragmentation and subsequently conflicts.

The field data presented in Table 4.1 below reveals the impact of politicized ethnicity on shaping group's perceptions. The data for instance illustrates the perceptions on the fairness of resource distribution in Kenya among diverse ethnic groups. This corroborates the argument that though ethno-regional disparities are widespread in the country, politics plays a significant role in shaping how diverse ethnic groups perceive this situation.

Table 4.1: Ethnic group's perceptions on the fairness of resource distribution in Kenya

Ethnic groups	Resource distribution in Kenya			
	Extremely Inequitable (%)	Not equitable (%)	Somewhat Equitable (%)	Very equitable (%)
Luo	48	44	4	4
Maasai	16	56	28	0
Kikuyu	4	44	40	12
Kalenjin	12	48	36	4

Source: Field data, 2017

As demonstrated in Table 4.1 above, 48 per cent of respondents from Luo ethnic group, who participated in this study, asserted that resource distribution is extremely inequitable in Kenya, while another 44 per cent observed that resource distribution is not equitable. They pointed out that resources are distributed in a skewed manner favouring ethnic groups who have

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[305] Ibid. pp. 13-21

been controlling the executive, specifically Kikuyu, while neglecting pro-opposition areas, particularly Nyanza. Only 4 per cent of these respondents felt that the distribution is somewhat equitable and very equitable respectively. In comparison, only 4 per cent of Kikuyu respondents pointed out that resource distribution among various ethnic groups in Kenya is extremely inequitable. In addition, 40 per cent of Kikuyu respondents asserted that the resource distribution in Kenya is somewhat equitable while 12 per cent observed that the distribution is very equitable, arguing that devolution has enabled equitable distribution of resources in Kenya. The responses from these two ethnic groups depict that Kikuyu ethnic group is more satisfied than Luo with the current distribution of resources in the country.

Furthermore, 36 per cent of the Kalenjin respondents observed that resource distribution is somewhat equitable, while only 28 per cent of the respondents felt the same among the Maasai ethnic group. In addition, 4 per cent of the respondents from Kalenjin ethnic group asserted that resource distribution in Kenya is very equitable while none from Maasai felt the same. Kalenjin respondents, just like Kikuyu, observed that the new Constitution which allows devolution has greatly contributed to fair distribution of resources among diverse ethnic groups in Kenya. They pointed out that this has been made possible through the constitutionally established bodies such as Commission for Revenue Allocation (CRA). Generally, the perceptions among the respondents from these four ethnic groups demonstrate that Luo and Maasai are more dissatisfied with the current distribution of resources compared to their counterparts from Kikuyu and Kalenjin due to the role politicized ethnicity plays in shaping people's perceptions.

Stiftung demonstrates that inequitable distribution of resources plays a critical role in feeding the prevailing perceptions among diverse ethnic groups. He for instance depicts that people living below poverty line are lowest in Central Kenya, followed by Rift Valley and

highest in North Eastern region. Stiftung further observes that life expectancy for someone born in Nyanza is 16 years less than one born in Central region, while 93 per cent of adult women in North Eastern region are likely to have no education compared to only 3 per cent in Central Kenya. He also asserts that in 2005/06, only 19 per cent of eligible girls in North Eastern were enrolled to school compared to 87 per cent in Central. He links these disparities to the post-independent governments under President Jomo Kenyatta and Daniel Arap Moi who concentrated development in tea and coffee growing areas in Central and grain growing areas of Rift Valley respectively.[306] This demonstrates that besides creating perceptions of exclusion, politicization of ethnicity promotes inequitable distribution of resources, a development that has intensified ethnic fragmentation leading to discontent and intermittent conflicts.

Such regional inequalities as observed by one respondent continue to fuel politicized ethnicity and subsequently political conflicts that ravages different parts of the country. This is because, as argued by the respondent, when people are unable to get basic needs such as clothing, food and shelter, they lose the meaning of life, hence become more vulnerable to be used by politicians to cause conflicts since they have nothing to lose. These people frequently engage in conflict with an intention to loot from others whenever there is an opportunity, especially during skirmishes, or when hired by a politician to cause skirmishes for political reasons.[307] The data from the United Nations Development Programme (UNDP) corroborates Stiftung's observation of inequitable distribution of resources in Kenya, by depicting that literacy level also varies across regions in Kenya, and specifically favours central region. Table 4.2 below demonstrates these discrepancies.

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[306] Stiftung, F.E, *Regional Disparities and Marginalization in Kenya*, Nairobi Elite Pre Press Ltd (2012), pp. 1-3
[307] Interview with a Senior Security Officer, 6th February 2017

Table 4.2: Adult Literacy Levels in Kenya

Region	Adult Literacy Level (%)
Nairobi	88.1
Central	79.8
Coast	62.9
Eastern	68.5
North Eastern	24.8
Nyanza	76.9
Rift Valley	67
Western	72.1
Rural	71.3
Urban	73
Nation	71.4

Source: UNDP, 2010

Table 4.2 depicts that Nyanza and Central regions, which were penetrated by colonialist earlier, have higher levels of education as it was the case even at the time of independence. However, though Nyanza has adult literacy level of 76.9 per cent while Rift Valley has 67 per cent, Nyanza's national wage employment is lower compared to that of Rift Valley as demonstrated by Kivuva.[308] This indicates that the rate of employment in various ethno-regions in Kenya might not be necessarily in direct proportion to the literacy levels of these regions. This could possibly be explained by the role politics plays in appointment to senior government positions which later influence employment patterns based on tribalism and nepotism, a move that heightens dissatisfaction and hatred among ethnic groups. Dissatisfaction and hatred heightens when the political elites mobilize along ethnic lines raising consciousness that the suffering of some ethnic groups is artificially made by the group in power. Thus, when the scarce resources are distributed or are seen to be distributed in a skewed manner favouring some ethnic group(s),

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[308] See page 145

frustrations heightens especially among the youth who are often used by the politicians to cause mayhem.

Unequal distribution of resources in Kenya is not only illustrated by literacy levels as already demonstrated, but also access to basic needs such as water. The UNDP report reveals that the level of access to safe drinking water is also different for the various regions in Kenya. Here, safe drinking water refers to piped water, water from bore holes, from protected springs or protected wells. The data, as presented in Table 4.3, depicts that North Eastern region has the poorest access to safe drinking water just like other vital services such as education, health and supplementary government services compared to other regions in Kenya. Thus, the data on the access to safe drinking water corroborates the argument that Kenya is indeed characterized by high levels of regional disparities, a situation that politicians use for their selfish interests.

Table 4.3: Access to safe drinking water

Region	People with access to safe drinking water
Nairobi	97.1
Central	51.9
Coast	63.4
Eastern	46.1
North Eastern	34.6
Nyanza	50.6
Rift Valley	50.6
Western	63.0
Nation	57.0

Source: UNDP, 2010

This study argues that ethno-regional disparities are evident in almost all spheres of life in Kenya, an assertion that is confirmed even by the 2005/06 report by Kenya Integrated Household Budget on dependency ratio. This report reveals that North Eastern has the highest dependency

ratio of 132.3 per cent while Central has 54.4 per cent. In terms of immunization rate, North Eastern has the lowest rate at 20.6 while Central, Rift Valley and Nyanza had 82.7, 67.1 and 55.8 per cent respectively. Furthermore, the 2004 report by society for International Development (SID) also demonstrates that the ratio for Doctor to patient varies per region with North Eastern region being the most affected at 1:120,823 compared to Central at 1:20,715, Nyanza 1:28,569, Rift Valley 1:36,481, Eastern 1:33,446, Coast 1:51,155 and Western 1:39,554.[309]

A study by Ettarh and Kyobutungi reveals that the modern contraceptives use in Kenya, which is in direct proportion to the density of health care facilities per region, varies substantially across regions. The study demonstrates that central region in Kenya has the highest levels of contraceptive use and low unmet human needs compared to most of the semi-arid regions such as North Eastern, Turkana, Pokot and Loitoktok which have low levels of contraceptive use and high unmet needs. This is because, as shown by the study, less than 20 per cent of the households in central region live more than 5 kilometers from the nearest health facility. This means at least 80 per cent of the household in central region lives in close proximity to health centers, thus residents are able to access contraceptives easily. Unlike the central region, at least 80 per cent of the households in semi-arid regions in Kenya lives more than 5 kilometers from the nearest health facility.[310] This means that less than 20 per cent of the households in these regions are in close proximity to health facilities, thus majority of the people are unable to access contraceptives easily. Contraceptive use, in turn translates, into smaller families who are able to meet basic human needs unlike big families characterized by high levels of poverty.

[309] Republic of Kenya, Basic Report on Well-Being in Kenya: *Kenya Integrated Household Budget Survey*, 2005/06, (Nairobi: Government Printer, 2007) pp. 4-16

[310] Ettarh, R.R and Kyobutungi, C. Physical Access to Health Facilities and Contraceptive Use in Kenya: Evidence From the 2008-09 Kenya Demographic and Health Survey, *African Journal of Reproductive Health*, Vol. 16, No. 3 (September 2012), pp. 48-56

Regional disparities in Kenya, as demonstrated by these examples, presents favourable environment for politicization of ethnicity which provoke dissatisfaction among different ethnic groups, especially among the youth who are in inferior socio-economic and political position. This is particularly true in Coast region in Kenya, which has experienced intermittent conflicts provoked by the politicization of ethnicity, which targets people from the upcountry who are perceived to be the cause of the suffering of coastal residents.[311] The Coastal land survey of 2011 for instance highlights land grievances by demonstrating that most people born in Coastal region do not even possess title deeds of their land.[312] Therefore, politicization of ethnicity in form of land grievances coupled with increasing levels of poverty and perceptions of exclusion among Coastal residents by the national government continue to heighten tension and subsequently conflicts in the region.

The results of the Coastal land survey of 2011 are demonstrated in table 4.4 below:

Table 4.4: Percentage of people with title deeds in Coast region

Do you possess a title deed to your land?	Yes (%)	No (%)
Born in Coastal region	38	62
Born outside Coastal region	82.25	18.75

Source: Coastal Land survey, 2011

While describing the relationship between inequitable distribution of resources and conflicts, 96 per cent of the respondents observed that inequitable distribution of resources increases the likelihood of conflicts. They asserted that such patterns of resource distribution promote inferiority complex and hatred among the excluded group(s). They further pointed out

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[311] Goldsmith, P. *The Mombasa Republican Council, Conflict Assessment: Threats and Opportunities for Engagement*, (2011) pp. 1-6

[312] Coastal Land Survey: *Development Policy Management Forum*, (Nairobi, 2011), pp. 10-14

that inequitable resource distribution encourages skewed development patterns, increases inter-group competition for the scarce resources and promotes social injustice which culminates into mistrust, suspicion and discontentment among the affected group especially when the situation is politicized. Conversely, politicization of ethnicity affects resource distribution where those in power control political and economic resources at the detriment of others.

Rustad underscores that politicized ethnicity promotes inequitable distribution of resources thus increasing the likelihood of conflicts. He observes that in such a situation, the political elites mobilize the disadvantaged group(s) to fight the group perceived to be benefiting from the resources. Such ethnic based mobilization promotes feelings of relative deprivation, which creates dissatisfaction and subsequently conflicts. These groups therefore fight with an intention of creating a system that does not have horizontal inequality. This is because discontent, which frequently culminates into conflicts, increases whenever an ethnic group(s) feels that others are benefitting more from the resources than they are. Conflicts also results when groups in resource rich regions demand to get more benefits than they possibly should, thus denying others their fair share.[313] Such conflicts easily escalate into civil war especially when political elites mobilize along ethnic lines as argued by the Instrumentalist theory.

One of the respondents pointed out that when politicized ethnicity encourages skewed distribution of resources among ethnic groups, this breeds hatred and grudge which translate into conflict. This is because relative deprivation intensifies among the disadvantaged group, causing desperation among them and eventually making them susceptible to cause chaos since such people are easily mobilized and manipulated by political elites. This underscores the theoretical

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[313] Rustad, S.A, and Binningsbo, H.M, A Price Worth Fighting For? Natural Resources and Conflict Recurrence, *Journal of Peace Research*, Vol. 49, No. 4 (July 2012), pp. 531-546

foundations of this study, which asserts that ethnic mobilization for socio-economic and political reasons by elites promotes ethnic conflicts.

This study argues that conflict occurs when politicized ethnicity encourages inequitable distribution of resources, rather than the absolute level of resources since conflict does not increase resource supply but can altar patterns of resource distribution. Thus, when resource distribution is influenced by politicized ethnicity, conflict becomes inevitable unlike when resources are scarce. However, this is with exception to Hendrix's argument that depicts that deviation in rainfall pattern provokes social conflicts in form of demonstrations and communal conflicts. Hendrix points out that, mass demonstrations occur when shortage of rainfall results in drought that makes prices of basic commodities to skyrocket hence provoking popular dissent. Rainfall shortage also results in reduced availability of water, a development that increases the probability of communal conflict over the resources.[314]

Ember et al demonstrates that cattle rustling among the Turkana and their neighbors intensify during dry periods.[315] They observe that during wet season, the herders move to safer areas unlike in dry seasons when they move along the border in search of a better pasture, a situation that results into conflict with the neighboring communities. This shows that pastoral violence is sometimes motivated by harsh climatic conditions, especially when the survival of the livestock is not guaranteed due to ravaging drought. Nevertheless, though pastoral violence can be exacerbated by ecological factors such as harsh climatic conditions, politicization of ethnicity for political and economic interests plays the most significant role in worsening these

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[314] Hendrix, C.S and Salehyan, I. Climate Change, Rainfall and Social Conflict in Africa, *Journal of Peace Research,* Vol.49, No. 1 (Jan 2012), pp. 35-50

[315] Ember, C.R et al, *Livestock Raiding and Rainfall Variability in Northern Kenya, Civil Wars*, Vol. 44, No. 2 (2012), pp. 159-181

conflicts.[316] Political elites among the pastoralist promote politicization of ethnicity for their own selfish interests, a development that intensifies cattle rustling.

Economic marginalization of some regions within a state provokes conflict as the relatively poor regions vent their displeasure sometimes through unconstitutional means. Though wealth differences alone do not necessarily lead to conflict, such inequalities frequently result into dissent between the center and the periphery when it is politicized. For instance, uneven distribution of incomes, land and/or other resources raises the question of ownership and equity, a development that often fuels discontentment.[317] Regional disparities in terms of distribution of resources become even worse when the marginalized regions have distinct ethnic groups, since this foments the perceptions of ethnic discrimination and consequently ethno-nationalism. Ethno-nationalism in turn increases the probability of conflict especially secessionist conflicts since it leads to ethnic mobilization and the spread of propaganda and bigotry. Elites from such marginalized ethno-regions politicize the prevailing economic disparities to create a common enemy whom they often blame for their economic woes. This helps to bring together the marginalized group, thus motivating them to demand their rights through rebellion.[318]

Some of the respondents corroborated the argument that politicized ethnicity promotes economic marginalization of particular ethno-regions and the vice versa, subsequently fomenting conflicts. They pointed out that inequity breeds mobilization along ethnic lines, thus heightening inter-group hatred which affects voting patterns. The resulting ethnic based voting patterns worsen structural conflicts, a development that promotes cycles of ethnic mobilization and

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[316] Gray, S. et al, Cattle Raiding, Cultural Survival, and Adaptability of East African Pastoralists, *Current Anthropology*, Vol. 44, (2003), pp. 13-30

[317] Russett, B.M, *Inequality and Instability: The Relation of Land Tenure to Politics, World Bank*, Vol. 16, No. 3 (1964), pp.442-454

[318] Deiwiks, C. et al, Inequality and Conflict in Federations, *Journal of Peace Research*, Vol. 49, No. 2 (March 2012), pp. 289-304

conflicts. Some of these respondents further observed that economic marginalization of certain ethno-regions culminate in uneven development where the affected ethno-regions lack essential facilities and services. This makes the life of the affected group unbearable since they are unable to meet their needs and develop their potential, a development that intensifies frustrations among them. Politicians thus take advantage of such frustrations to spread propaganda for elite's selfish interests as argued by the theory of Instrumentalist.

Similarly, Braddon underscores this argument by observing that long standing economic inequalities among ethnic groups whether real or perceived are likely to nurture seeds of discord, especially when politicized through ethnic lens, a situation that encourages conflicts.[319] This is because the excluded groups view the others as being responsible for their economic deprivation. Equally, Cooper observes that exclusion of some ethnic groups and/or regions from power encourages the mushrooming of illicit markets as these groups seek to change the status quo. He therefore argues that, to manage conflicts, appropriate policies must be put in place to address politicized ethnicity and subsequently exclusion.[320] Collier on the other hand asserts that, grievances emanating from unequal distribution of resources leads to political contestations that use unconstitutional means, a development that heightens conflicts.[321] Such grievances arise when elites politicize the prevailing situation as the theory guiding this study argues.

When inequitable distribution of resources is politicized, it fuels negative ethnicity which subsequently leads to ethnic based conflicts. Thus, the most appropriate way to fight tribalism and resource based conflicts in Kenya is to make the 'tribe' irrelevant when allocating scarce

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[319] Braddon, D. The Role of Economic Interdependence in the Origins and Resolution of Conflict, *Revue d'economie Politique,* Vol. 122, No. 1 (2012), pp. 299-319

[320] Cooper, N. Peaceful Warriors and Warring Peacemakers: *The Economics of Peace and Security Journal*, Vol. 1 No.1 (2006), pp. 1-23

[321] Collier, P. *Economic Causes of Civil Conflict and their Implications for Policy*, (University of Oxford, 2006) pp. 25-46

national resources, including appointments to senior government positions. By doing so, the country is likely to address the prevailing structural violence which has the potential to turn violent even under the least provocation. In addition, when the tribe is made irrelevant during appointment and resource allocation, political elites would not have a footing when politicizing negative ethnicity. On the contrary, conflict is likely when diverse ethnicities compete for scarce resources which are or appear to be inequitably distributed.

4.4. Ethnicity and employment in Kenya

This section demonstrates that politicized ethnicity encourages uneven employment patterns among diverse ethno-regions and the vice versa, a situation that frequently culminates into ethnic tensions and sometimes conflicts. For instance, the data between 2005 and 2010 from the government of Kenya demonstrates that Nairobi has the highest wage employment rate at 25.1 per cent, followed by Rift Valley at 22.5 per cent and Central at 14.2 per cent, while North Eastern has the lowest at 0.9 per cent.[322] This data depicts that besides Nairobi, Rift Valley and Central regions have the highest number of wage employees. This could possibly be due to the fact that the first and the second Kenyan Presidents came from Central and Rift Valley regions respectively, thus influenced employment patterns in favour of their ethno-regions. These ethno-regional disparities have been politicized, fuelling dissatisfaction and sometimes conflicts.

A study conducted by KIPPRA shows that since independence, the ethnicity of the President influences the composition of Cabinet Ministers and other senior government office bearers, a situation that subsequently influences the ethnic make-up of the whole public service. This is because when a cabinet minister or a senior government officer comes from a certain

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[322] Omolo, J. *The Dynamics and Trends of Employment in Kenya*, (Nairobi: Institute of Economic Affairs, 2010), pp. 1-62

ethnic group, he/she often surround him/herself with co-ethnics who in turn recruit members of

their ethnic groups, particularly family members, as a result tilting the ethnic make of the public

service in their favour. This study revealed that under President Kenyatta, Kikuyu ethnic group

had the highest number of cabinet Ministers, while Kalenjin and Kikuyu dominated these

positions during President Moi and Kibaki respectively.[323] This exacerbated the sense of relative

deprivation among some ethnic groups who considered themselves as excluded. The sense of

relative deprivation grew since these disparities were highly politicized, a development that

sometimes led to mass demonstrations and intermittent conflicts due to the popular dissent that

prevailed then. The data on the distribution of Cabinet positions presented by KIPPRA is as

shown in table 4.5 below:

Table 4.5: Ethnic percent shares of cabinet position

Ethnic group	Kenyatta (Kikuyu)		Moi (Kalenjin)		Kibaki (Kikuyu)		
Year	1966	1978	1979	2001	2003	2005	2011
Kikuyu	28.6	28.6	30	4	16	18.1	19.5
Luhya	9.5	4.8	11	14	16	21.2	17.1
Luo	14.3	14.3	11	7	16	3.1	12.2
Kalenjin	4.8	4.8	11	17	7	6.1	9.8
Total	21	21	26	28	25	33	42

Source: KIPPRA, 2013

Table 4.5 above demonstrates that Kikuyu ethnic group was overrepresented as compared

to their percentage national population during President Kenyatta's regime at 28.6 per cent.

However, this percentage dropped during President Moi's administration, from 30 per cent in

1979 to 4 per cent in 2001. Nevertheless, Kikuyu cabinet ministers increased once again to 16

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[323] Kenya Institute for Public Policy Research and Analysis (KIPPRA), *Inequalities and Social Cohesion in Kenya, Evidence and Policy Implications* (2013), pp. 11-14

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per cent when Kibaki took over power, a percentage that kept on increasing during Kibaki's 10 year rule. Similarly, Luo ethnic group was overrepresented during Kenyatta's regime at 14.3 per cent, but this dropped during Moi's regime to 7 per cent by the time he left office. When NARC government took over power in 2003, Luo cabinet ministers represented 16 per cent and in 2012 when Kibaki was about to leave office, 12.2 per cent of cabinet ministers were from Luo ethnic group as shown in table 4.5. Conversely, though Kalenjin were underrepresented in Kenyatta's regime, when Moi came into power, their proportion of cabinet ministers increased drastically to 11 per cent and later to 17 per cent by the time President Moi left office. This was an overrepresentation when compared to their national population percentage which stood at 13.3 per cent.

Furthermore, Kanyinga's 2006 data underscores the same argument, that the ethnicity of the President determines the ethnic composition of senior government officers. This is as demonstrated in table 4.6 below which shows that Kikuyu ethnic group was overrepresented during Kenyatta's era in terms of permanent secretaries, since their percentage was higher than their national population percentage. However during President Moi's regime, this began to decline slowly up to 8.7 per cent in 2001. Their percentage share of permanent secretaries later increased to 18 per cent during Kibaki's presidency. Luo ethnic group was also overrepresented especially during the early years of President Kenyatta. By 1978, the percentage of Luo permanent secretaries had declined to 9.5 per cent, a trend that worsened during Moi's regime. By the time Moi left office, the percentage of Luo permanent secretaries stood at 8.7 per cent, a figure that slightly increased to 9.3 during Kibaki's era. Kalenjin permanent secretaries increased from 4.8 in 1978 to 34.8 in 2001. Maasai on the other hand were totally excluded by Kenyatta,

Moi and early years of Kibaki administration where they had no permanent secretary. However in 2005, Maasai got a 6.2 per cent representation in permanent secretaries' jobs.

Table 4.6 summarizes the ethnic distribution of Permanent Secretaries from the time of President Jomo Kenyatta through President Moi to Kibaki regime:

Table 4.6: Ethnic distribution of Permanent Secretaries in Kenya, 1966 to 2005

Ethnic group	1966	1970	1978	1979	1982	1985	1988	1994	1998	2001	2003	2005
Kikuyu	30.4	37.5	23.8	29.6	30.0	28.0	21.9	10.7	10.7	8.7	22.0	18.5
Luhya	13.0	8.0	4.8	11.1	13.3	12.0	6.3	14.3	10.7	13.0	7.0	9.3
Luo	13.0	12.5	9.5	3.7	6.7	8.0	12.5	3.6	7.1	8.7	15.0	9.3
Kamba	17.4	8.3	14.3	7.4	10.0	12.0	12.5	21.4	3.6	4.3	15.0	12.3
Kalenjin	4.3	8.3	4.8	11.1	10.0	20.0	21.9	25.0	28.6	34.8	15.0	6.2
Maasai	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.2
Turkana	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Samburu	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Kisii	4.3	8.3	0.0	7.4	3.3	4.0	3.1	3.6	7.1	4.3	4.0	9.3
Meru	4.3	8.3	14.3	11.1	10.0	8.0	3.1	3.6	7.1	8.7	15.0	6.2
Borana	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	9.3
Mijikenda	8.7	4.2	9.5	3.7	6.7	4.0	6.3	10.7	14.3	13.0	4.0	12.5
Taita	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pokomo	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bajun	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Embu	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Others	4.3	4.2	19.0	14.8	10.0	4.0	12.5	7.1	10.7	7.4	0.0	0.0
Total	23	24	21	27	30	25	32	28	25	23	27	32

Source: Kanyinga, 2006

Tables 4.5 and 4.6 above demonstrate that the ethnic group of the President determines the ethnic composition of senior government officers.[324] Inequality in the appointment of the officers as depicted in these tables creates favourable environment for the growth of politicized ethnicity, as elites from the groups perceived to be underrepresented or excluded from such appointments

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[324] See Chapter one, p. 22

mobilize their co-ethnics to dissent. This is a major cause of ethnic hatred as argued by the theory of Instrumentalist, a development that plants seeds of future discord. Inequality in key government appointments easily promotes the sense of relative deprivation among ethnic groups when politicized as has been happening in Kenya. The data presented in table 4.5 and 4.6 further confirms the perceptions of many Kenyans, who believe that the ethnicity of the President determines the composition of senior government officers. One respondent for instance observed that senior government appointments in Kenya are skewed in favour of the politically correct ethnic groups. He asserted that presently, the Kikuyu and Kalenjin ethnic groups are dominating virtually all government departments. [325] These kinds of perceptions play a critical role in promoting politicization of ethnicity, which in turn culminates into intermittent conflicts.

The challenge of ethno-regional disparities in terms of employment patterns persist in Kenya despite the promulgation of the new Constitution in 2010. The latest evidence of skewed appointment to public service was noticeable under the Jubilee administration. Even after taking over power under the new Constitution in 2013, this regime has promoted politicized ethnicity, a development that has propagated ethnic based exclusion. The data published on 21st December 2015 by citizen weekly demonstrates that Jubilee administration has benefitted Kikuyu and Kalenjin communities more compared to other ethnic groups, perhaps because they were controlling the executive. For instance, the paper depicted that 47.6 per cent of the cabinet positions were occupied by the two ethnic groups,[326] which is an over representation since the percentage population of the two groups combined is around 30 per cent.

Furthermore, the paper demonstrated that all crucial and most sensitive departments and/or institutions of governance were all headed by the President's co-ethnics or close allies. For

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[325] Interview with Senior Security Officer, 30th January 2017
[326] Weekly Citizen, *Tribalism in Jubilee* Vol. 18, No. 51, (December 21st -27th 2015), pp. 1-2

instance, the head of the National Intelligence Service (NIS), Criminal Investigation Department (CID), Chief of general Staff, Inspector General of Police and their deputies, head of public service, solicitor general, governor of central bank, chairman of National Oil Corporation of Kenya and National Transport and Safety Authority (NTSA), were either Kikuyu or President's close allies. This illustrates the extent of exclusion in the Kenyan society even under the new constitutional dispensation, a situation that has given political elites the impetus to continue politicizing ethnicity for their own selfish interests. This was underscored by one interviewee who observed that the Kenyan society is characterized by pervasive exclusion, which negatively affects individual's social, economic and political development. He further pointed out that regardless of one's academic qualifications; there are some jobs one cannot get due to his or her ethnic background.[327]

Even though parastatals are considered to be the most inclusive sub-sector in the country, a study by NCIC reveals otherwise. Out of the 185 parastatals in Kenya, 56 of them do not even comply with section 7 of the National Cohesion and Integration (NCI) Act of 2008, which states that no public institution should have more than a third of their staff from the same ethnic community. The study further demonstrates that 65 per cent of the compliant parastatals have recruited majority of their staff from Kikuyu ethnic group. Though Kikuyu is the most dominant ethnic group in Kenya, their representation in these corporations exceeds their national population percentage. Conversely, out of the non-compliant parastatals, 45 per cent of them are controlled by Kikuyu ethnic group, while Kalenjin controls 16 per cent of them.[328] All this demonstrates the effects of politicized ethnicity on the country's employment patterns.

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[327] Interview with the Director of Research, National Cohesion and Integration Commission, 27th January, 2017

[328] National Cohesion and Integration Commission, Ethnic Audit of Parastatals in Kenya, (2016) pp. 39-49

Furthermore, table 4.7 below demonstrates that the four predominant ethnic groups in Kenya: Kikuyu, Kalenjin, Luhya and Luo are overrepresented in this sub-sector while other ethnic groups such as Somali, Turkana, Maasai, Meru, Tharaka, Teso, Mbeere, Suba and Samburu are underrepresented in terms of employment in these parastatals. However, despite the fact that these four predominant ethnic groups in Kenya have been overrepresented in terms of employment in many areas, they have been the major perpetrators of politicized ethnicity as their political elites mobilize co-ethnics to challenges the perceived injustices.

Table 4.7: General Ethnic Composition of Employees in Parastatals

	Ethnic group	Number employed	Percentage employed	% in National Population	Variance
1.	Kikuyu	20785	20.62	17.7	2.92
2.	Kalenjin	15887	15.76	13.3	2.46
3.	Luhya	15135	15.02	14.2	0.82
4.	Luo	13999	13.89	10.8	3.09
5.	Kamba	9246	9.17	10.4	-1.23
6.	Kisii	6285	6.24	5.9	0.15
7.	Mijikenda	5289	5.25	5.2	0.05
8.	Meru	3869	3.84	4.4	-0.56
9.	Taita	2031	2.02	0.7	1.32
10.	Somali	1551	1.54	6.4	-4.86
11.	Maasai	1460	1.45	2.2	-0.75
12.	Embu	1368	1.36	0.9	0.46
13.	Borana	559	0.55	0.4	-0.15
14.	Teso	532	0.53	0.9	-0.37
15.	Swahili	527	0.52	0.3	0.22
16.	Turkana	452	0.45	2.6	-2.15
17.	Samburu	391	0.39	0.6	-0.21
18.	Gabra	224	0.22	0.2	0.02
19.	Kuria	178	0.18	0.7	-0.52
20.	Suba	158	0.16	0.4	-0.24

21.	Kenyan Arabs	146	0.14	0.1	0.04
22.	Rendile	138	0.14	0.1	0.04
23.	Nubi	101	0.10	0.01	0.09
24.	Mbeere	100	0.10	0.4	-0.3
25.	Taveta	96	0.10	0.10	0
26.	Orma	95	0.09	0.2	-0.191
27.	Foreigner	36	0.04		
28.	Burji	32	0.03	0.1	-0.07
29.	Other Kenyans	26	0.03	0.06	0.03
30.	Tharaka	18	0.02	0.5	-0.498
31.	Kenyan Asian	18	0.02	0.1	-0.07
32.	Njemps	15	0.01	0.01	0
33.	Galla	13	0.01	0	0.01
34.	Sakuye	12	0.01	0	0.01
35.	Ilchamus	10	0.01	0	0.01
36.	Dasnech	3	0.003	0.1	-0.007
37.	Waat	2	0.002	0.002	0
38.	Gosha	2	0.002	0.1	-0.098
	Total	**100,789**	100.00		

Source: NCIC Vol. 2, 2016

The NCIC's study further demonstrates, as shown in table 4.7.1 below, that out of the 185 CEO's of the parastatals in Kenya, 41 of them are Kikuyu, which translates into 22.2 per cent, while Kalenjin and Luo each has 30 CEO's which represents 16.2 per cent respectively. These three ethnic groups are overrepresented in terms of the CEO's in comparison to their national population percentage. The effects of politicized ethnicity on inequitable distribution of employment patterns in the country is further demonstrated by the fact that, all of the 185 CEO's come from only 17 ethnic groups, which means that 25 ethnic groups have no CEO of any Parastatal in Kenya. Furthermore, in over 36.8 per cent of the parastatals in Kenya, the ethnic identity of the CEO is the same as that of the majority of the employees. For instance, the CEO of Kenya Building Research Centre is a Kikuyu and 60 per cent of the employees there are also

Kikuyu. Another example is the Lake Basin Development Authority with a Luo CEO while at the same time 53.5 per cent of the staff is Luo. This shows that employment is perhaps highly influenced by the CEO who in turn is a political appointee.[329] This illustrates the role politics plays in influencing employment patterns especially in public sector in Kenya. This study argues that ethnic politics plays a key role in determining employment patterns in Kenya and at the same time raises consciousness of ethnic inequality among different groups, hence fuelling popular dissent in the country.

Table 4.7.1: Ethnic Groups of Parastatal Heads

Ethnic Group	Frequency	Percentage
Kikuyu	41	22.2
Kalenjin	30	16.2
Luo	30	16.2
Luhya	25	13.5
Kisii	12	6.5
Kamba	10	5.4
Meru	9	4.9
Somali	8	4.3
Maasai	6	3.2
Mijikenda	3	1.6
Embu	3	1.6
Suba	1	0.5
Teso	1	0.5
Tharaka	1	0.5
Turkana	1	0.5
Total	**185**	**100.0**

Source: NCIC Vol. 2, 2016

The NCIC study generally demonstrates that the five dominant ethnic groups in Kenya are predominant in most parastatals in Kenya. Furthermore, the study further reveals that most of the

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[329] Ibid, pp. 56-79

parastatals with huge budgets and controlling a lot of resources are mainly dominated by the Kikuyu ethnic group. Corporations such as Kenya Roads Board, Kenya Revenue Authority, Higher Education Loans Board and Kenyatta National Hospital are all controlled by Kikuyu.[330]

An audit of ethnic diversity in institutions of higher learning further reveals that the largest ethnic group employed in these institutions is Kikuyu, representing 23.6 per cent of the employees. Though this percentage is within the law, NCI 7(2) Act of 2008, this ethnic group is overrepresented compared to their national population percentage. The other ethnic groups that are overrepresented in terms of employment in public universities and constituent colleges include: Luhya, Kalenjin, Kisii and Luo. Conversely, Turkana, Maasai, Kenyan Somali, Kamba and Mijikenda are underrepresented in these institutions. The report further depicts that Dasanech and Gosha are not employed by any university.[331] Table 4.8 below gives the summary of ethnic composition of university employees' vis-à-vis their population, as per 2009 census.

Table 1.8: Percentages of Employment in Public Universities Compared to Census Population in Kenya

Ethnic Group	Population Census 2009	Population %	No. in the Universities	% employed	Variance
Kikuyu	6,622,576	17.7	7050	23.6	5.9
Luhya	5,338,666	14.2	4562	15.3	1.1
Kalenjin	4,967,328	13.3	4558	15.3	2.0
Luo	4,044,440	10.8	4658	15.6	4.8
Kamba	3,893,157	10.4	2393	8.0	-2.4
Somali	2,385,572	6.4	161	0.5	-5.9
Kisii	2,205,669	5.9	2470	8.3	2.4
Mijikenda	1,960,574	5.2	634	2.1	-3.1

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[330] Ibid, pp. 82-83

[331] NCIC, *The Ethnic and Diversity Audit of Public Universities and Constituent Colleges*, Vol. 1 No.3 (2016), 38-44

Meru	1,658,108	4.4	1348	4.5	0.1
Turkana	988,592	2.6	26	0.1	-2.5
Maasai	841,622	2.2	331	1.1	-1.1
Teso	338,833	0.9	127	0.4	-0.5
Embu	324,092	0.9	419	1.4	0.5
Taita	273,519	0.7	370	1.2	0.5
Kuria	260,401	0.7	46	0.2	-0.5
Samburu	237,179	0.6	31	0.1	-0.5
Tharaka	175,905	0.5	5	0.02	-0.5
Mbeere	168,155	0.4	47	0.2	-0.2
Borana	161,399	0.4	55	0.2	-0.2
Suba	139,271	0.4	48	0.2	-0.2
Swahili	110,614	0.3	111	0.4	0.1
Gabbra	89,515	0.2	3	0.010	-0.2
Orma	66,275	0.2	1	0.003	-0.2
Rendille	60,437	0.1	4	0.01	-0.1
Asian	46,782	0.1	48	0.2	0.1
Arab	40,760	0.1	20	0.1	0.0
Burji	23,735	0.1	1	0.003	-0.1
Gosha	21,864	0.1	22	0.1	0.0
Taveta	20,828	0.1			
Nubi	15,463	0.01	7	0.02	0.01
Dasenach	12,530	0.01			
Ilchamus			1	0.003	
Njemps	5,228	0	4	0.01	0.0
European	5,166	0	113	0.4	0.4
Others					
Americans					
Total			**29,674**		

This study further depicts that the ethnic identity of the Vice Chancellor (VC) or Principal of the institution and that of the majority of staff in senior management is the same. The VCs or Principals of 15 out of 31 public universities surveyed were of the same ethnicity as that of the highest number of senior members of staff. Similarly in 50 per cent of these institutions, the ethnicity of the VC or Principal was the same as that of the highest ethnic group in the entire

workforce. Furthermore, it was revealed that six out of the 31 VCs and/or Principals, representing 19.4 per cent, are from Luo ethnic group. This depicts that Luo ethnic group are overrepresented as CEOs in these institutions compared to their percentage in national population.[332] Table 4.8.1 below summarizes this observation.

Table 4.8.1: Ethnic Representation of Vice Chancellors of Public Universities in Kenya

Ethnic Group	Frequency	Percentage
Luo	6	19.4
Kamba	4	12.9
Kikuyu	4	12.9
Luhya	4	12.9
Meru	4	12.9
Kalenjin	2	6.5
Kisii	2	6.5
Mijikenda	2	6.5
Somali	1	3.2
Swahili	1	3.2
Teso	1	3.2
	31	**100.0**

Source: NCIC, Vol. 3, 2016

This study reveals that the same ethnic groups who dominate parastatals and public universities also dominate independent Commissions in Kenya. Kikuyu is the most dominant ethnic group in these commissions in terms of employment with a representation of 21.8 per cent. Though this is within the law, Kikuyu is overrepresented when their percentage employment is compared to their national population percentage. Kikuyu employees dominated

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[332] Ibid, pp.49-51

all commissions except the Commission on Revenue Allocation (CRA) and the Commission on the Implementation of the Constitution (CIC) which has so far been disbanded.[333]

The employees from Kikuyu ethnic group represent the following percentages in various commissions: Independent Electoral and Boundaries Commission has 16.3 per cent of Kikuyu employees, Teachers Service Commission (24.3 per cent), Ethics and Anti-corruption Commission (17.4 per cent), Parliamentary Service Commission (20.1 per cent), National Land Commission (15.8 per cent), Judicial Service Commission (39 per cent), Public Service Commission (24 per cent), The Commission on the Administrative Justice (18 per cent), National Police Service Commission (23 per cent), National Gender and Equality Commission (24 per cent), National Commission on Human Rights (19 per cent), National Cohesion and Integration Commission (18 per cent) and Commission on Revenue Allocation (25 per cent). This depicts that Kikuyu is overrepresented in terms of employment in most commissions compared to their national percentage population which stood at 17.7, as per 2009 census.

Furthermore, among the 15 commissions surveyed, 93 per cent of them comply with the NCI 7(2) Act of 2008. However, the Judicial Service Commission flouts this law since Kikuyu ethnic group forms 39 per cent of the total employees as already discussed. The dominance of the Kikuyu ethnic group in terms of employment in most parastatals, public universities and independent Commissions corroborates the perceptions of most Kenyans. During the field research, 60 per cent of the respondents observed that Kikuyu ethnic group and/or Central region is the least affected by ethnic based exclusion since they are the dominant ethnic group in most sectors. These respondents observed that since Kikuyu ethnic group have been close to power, they have enjoyed the national cake more compared to other ethnic groups in Kenya. These kinds

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[333] NCIC, *Ethnic and Diversity Audit of Commissions in Kenya*, Vol.1 No. 4 (2016), pp. 19-28

of perceptions have played a significant role in promoting ethnic politicization, mobilization and subsequently conflicts in the country.

Table 4.9 below highlights the ethnic representation of Commissions in Kenya, showing the ethnic groups that are overrepresented, underrepresented and those that are excluded in terms of employment.

Table 4.9: Employment patterns for different ethnicities by Commissions in Kenya

Ethnic Group	Population Census 2009	Population %	No. in Commissions	% in Commissions	% Variance
Kikuyu	6,622,576	17.7	1312	21.8	4.1
Luhya	5,338,666	14.2	669	11.2	-3
Kalenjin	4,967,328	13.3	821	13.6	0.3
Luo	4,044,440	10.8	571	9.5	-1.3
Kamba	3,893,157	10.4	675	11.2	0.8
Kenyan Somali	2,385,572	6.4	236	3.9	-2.5
Kisii	2,205,669	5.9	426	7.1	1.2
Mijikenda	1,960,574	5.2	129	2.1	-3.1
Meru	1,658,108	4.4	386	6.4	2
Turkana	988,592	2.6	51	0.8	-1.8
Maasai	841,622	2.2	142	2.4	0.2
Teso	338,833	0.9	31	0.5	-0.4
Embu	324,092	0.9	9	0.1	-0.8
Taita	273,519	0.7	126	2.1	1.4
Kuria	260,401	0.7	28	0.5	-0.2
Samburu	237,179	0.6	139	2.3	1.7
Tharaka	175,905	0.5	10	0.2	-0.3
Mbeere	168,155	0.4	14	0.2	-0.2
Borana	161,399	0.4	118	2	1.6
Suba	139,271	0.4	10	0.2	-0.2
Swahili	110,614	0.3	22	0.3	0
Gabbra	89,515	0.2	27	0.4	0.2
Orma	66,275	0.2	11	0.1	-0.1

Rendille	60,437	0.1	20	0.3	0.2
Kenyan Asian	46,782	0.1	1	0.2	-0.8
Kenyan Arab	40,760	0.1	2	0.05	-0.05
Sakuye	26,784	0.1	2	0.03	-0.17
Burji	23,735	0.1	8	0.1	0
Taveta	20,828	0.1	11	0.2	0.1
Nubi	15,463	0.01	5	0.1	0.09
Njemps	5,228	0.014	15	0.2	0.186
Kenyan European	5,166	0.014	1	0.2	0.186
Other Africans					0
Gosh	21,864	0.1			-0.1
Desenach	12,530	0.1			-0.01
Total	**37,504,255**		**6027**	**100**	

Source: NCIC, Vol. 1, 2015

Though the various commissions have included the minority ethnic groups such as Njemps, Orma, Maasai, Ogiek and Rendile, these communities occupy only 19.3 per cent of the total employment in these commissions, which means the big ethnic groups still dominate jobs in these commissions. Furthermore, the study shows that Meru and Kuria are underrepresented in these commissions while Dasenach, Galla, Waat, Konsos, Galjeel, Leysan, Gosha and Isaak are completely excluded from employment by all commissions.[334]

The study further demonstrates that 16.5 per cent of the total commissioners in various commissions in Kenya are drawn from Kikuyu ethnic group. Table 4.9.1 underscores this assertion, showing that even if Kikuyu ethnic group is not overrepresented in this respect, they are still the identity group with the highest number of commissioners in Kenya.

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[334] Ibid, pp. 23-25

Table 4.9.1: Representation of Commissioners per ethnic group in Kenya

	Ethnic Group	Number of commissioners	Percentage
1.	Kikuyu	20	16.5
2.	Luo	17	14.0
3.	Luhya	15	12.2
4.	Meru	11	9.1
5.	Kamba	11	9.1
6.	Somali	11	9.1
7.	Kalenjin	9	7.4
8.	Kisii	6	5.0
9.	Borana	3	3.2
10.	Mijikenda	3	2.4
11.	Swahili	3	2.4
12.	Maasai	3	2.4
13.	Taita	2	1.6
14.	Njemps	2	1.6
15.	Gabbra	2	1.6
16.	Samburu	1	0.8
17.	Kuria	1	0.8
18.	Turkana	1	0.8
		121	**100**

Source: NCIC, 2015

The study also reveals that the CEOs of these commissions are all drawn from only eight ethnic groups, with Luhya taking the highest proportion of 26.7 per cent of all the CEOs. This shows that among the 43 recognized ethnic groups in Kenya, 35 of them do not have a CEO in any Commission in the country. These are some of the reasons why some ethnic groups in Kenya feels that the country belongs to other identity groups, especially from Mt. Kenya region and not them. Alienation caused by lack of inclusivity and sometimes the perceptions of ethnic based exclusion has frustrated many people, especially the jobless youth, who believe that their predicament is due to what they call denial of national cake. Table 4.9.2 below illustrates the number and percentage of CEOs from different ethnic groups in Kenya.

Table 4.9.2: Ethnic Composition of Commission's CEOs in Kenya

Ethnic Group	Number	Percentage
Luhya	4	26.7
Luo	3	20.0
Kikuyu	2	13.3
Kisii	2	13.3
Taveta	1	6.7
Somali	1	6.7
Embu	1	6.7
Borana	1	6.7
Total	**15**	**100**

Source: NCIC, 2015

Kikuyu ethnic group dominates not only the institutions at national level, but they are also the majority in the County governments. A study on County Public Service depicts that out of the 116,852 County Public Service employees, 22.9 per cent of them are from Kikuyu ethnic group. This is yet another overrepresentation of this ethnic group when compared to their national population percentage. In addition, Kalenjin is the second most dominant ethnic group with a representation of 13.9 per cent, which is also an overrepresentation since their national population percentage is approximately 13.3 per cent. However, at the county level, Luo and Maasai are underrepresented in the employment since the percentage employed is lower than their national population percentage. Other ethnic groups that are underrepresented at the county level include: Gosha, Gabra, Suba, Luhya, Turkana, Teso, Mijikenda and Somali. Worse still is the fact that some ethnic groups such as Leysan, Galjeel and Dasanech are completely excluded from County employment.[335]

In addition, the study on County governments reveals that 32 counties (68.1 per cent of the counties) have not complied with section 65 of the County Government Act (CGA) of 2012 which requires counties to employ at least 30 per cent of their staff from other ethnic groups that

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[335] NCIC, *Ethnic and Diversity Audit of the County Public Service*, Vol. 1, No. 2 (2015), pp. 18-28

are not dominant in the area. This depicts that only 15 counties (31.9 per cent) have complied with the CGA, otherwise the rest have employed more than 70 per cent of their staff from the dominant ethnic groups. The study further demonstrates that 18 and 22 counties respectively have their county executive committees and county public service boards made up of one ethnic group. The inequitable distribution of employment in counties is a manifestation of the extent to which ethnicity has been politicized in the country; a development that continue to stoke tension even at the county level.[336] Unlike in the past when politicized ethnicity was examined only from the national level, today politicization of ethnicity is deeply entrenched at the County level as well. Many minority groups, as already demonstrated, continue to suffer exclusion from County government's employment and other benefits. Table 4.10 below indicates the representation of county employees in Kenya.

Table 4.10: Ethnic representation in the County Public Service of all Counties

Ethnic group	Number	Percentage	National Population (%)	Variance
Kikuyu	26,807	22.9	17.7	5.2
Kalenjin	16,257	13.9	13.3	0.6
Pokot	819	0.7	-	-
Luhya	15,522	13.3	14.2	-0.9
Luo	11,913	10.19	10.8	-0.61
Kamba	9058	7.75	10.4	-2.65
Kisii	8,000	6.8	5.9	0.9
Meru	4629	3.96	4.4	-0.44
Mijikenda	4406	3.77	5.2	-0.86
Pokomo	666	0.57	-	-
Somali	3592	3.07	6.4	-3.33
Embu	2817	2.41	0.9	1.51
Maasai	2537	2.17	2.2	-0.03
Taita	1430	1.22	0.7	0.52
Tharaka	1284	1.01	0.5	0.51
Samburu	1008	0.86	0.6	0.26

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[336] Ibid, pp. 24-36

Borana	953	0.82	0.4	0.42
Turkana	891	0.76	2.6	-1.84
Teso	883	0.76	0.9	-0.14
Mbeere	656	0.56	0.4	0.16
Kuria	339	0.29	0.7	-0.41
Orma	298	0.26	0.2	0.06
Other Kenyans	241	0.21	0	0.21
Swahili	220	0.19	0.3	0.26
Bajun	428	0.37	-	-
Suba	182	0.16	0.4	-0.24
Njemps	180	0.15	0	0.15
Kenyan Arabs	173	0.15	0.1	0.15
Taveta	133	0.11	0.1	0.01
Gabra	132	0.11	0.2	-0.9
Burji	92	0.01	0.1	-0.09
Rendile	84	0.07	0.2	-0.13
Kenyan Asian	82	0.07	0.1	0.03
Sakuye	23	0.02	0	0.02
Nubi	11	0.01	0.1	0
Issak	2	0.002	0	0.002
Galla	1	0.001	0	0.001
Ilchamus	1	0.001	0	0.001
Gosha	1	0.001	0.1	-0.1
Waat	1	0.001	0	0.001
Konso	1	0.001	0	0.001
Foreiner	99	0.08	-	-
Total	116,852	100		

Source: NCIC, Vol. 1 (2016)

The widespread disparities in employment patterns among diverse ethnic groups as illustrated in the Parastatals, Public universities, Independent Commissions, County government and other senior government appointments is both a symptom and a consequence of politicized ethnicity, a situation that has played a significant role in fueling the sense of relative deprivation amongst some sections of the Kenyan society. As a result, these disparities coupled with ethnic based politics have been central in shaping perceptions of ethnic based exclusion among diverse ethnic groups. One respondent for instance observed that 60 per cent of the lucrative jobs are

controlled by the Kikuyu ethnic group. Though this assertion is not supported by any empirical data, it nevertheless shows the extent of dissatisfaction among some Kenyan citizens, a development that often fuels conflict especially when politicized. Furthermore, the data gathered through the field research demonstrates that different ethnic groups perceive the distribution of employment opportunities differently. While some ethnic groups feel that the employment opportunities have been distributed fairly, others feel otherwise. This is illustrated in table 4.11 below:

Table 4.11: Perceptions on employment patterns in Kenya

Distribution of employment opportunities in Kenya	Very fair (%)	Fair (%)	Not fair (%)	Extremely unfair (%)
Luo	0	0	52	48
Maasai	0	20	50	30
Kikuyu	10	56	30	4
Kalenjin	0	44	48	12

Source: Field data, 2017

Table 4.11 above demonstrates that 48 per cent of the respondents from Luo ethnic group feel that the current distribution of employment opportunities in Kenya is extremely unfair while the remaining 52 per cent asserts that the distribution is not fair. None of the respondent from this ethnic group considered the distribution of employment opportunities in Kenya to be very fair or at least fair. This demonstrates the extent of dissatisfaction among this ethnic group. Most of the respondents from this group pointed out that top government and Parastatal jobs are dominated by two ethnic groups, thus neglecting other groups.

Conversely, only 4 per cent of Kikuyu respondents observed that the distribution of employment opportunities is extremely unfair, while 56 per cent said that employment opportunities are fairly distributed among ethnic groups in Kenya. This demonstrates that

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Kikuyu ethnic group is more satisfied with the current employment patterns compared to other ethnic groups. However, they observed that though there is fair distribution of employment due to the constitutional requirements, perceptions of disparities have been politically created among ethnic groups. The contradicting perceptions among the Luo and Kikuyu ethnic groups demonstrate that though both groups are overrepresented in many sectors such as parastatals, Commissions and Public universities, Luo is still dissatisfied while Kikuyu are comparatively happier with the current distribution of employment in Kenya.

The findings further illustrates that 44 per cent of the respondents from Kalenjin ethnic group observed that the employment is fairly distributed among ethnic groups in Kenya compared to 20 per cent of the Maasai respondents who made the same observation. In addition, 30 per cent of Maasai respondents asserted that the distribution of employment opportunities is extremely unfair compared to the 12 per cent among the Kalenjin. This demonstrates that Kalenjin are much happier than Maasai with the current distribution of resources and employment among diverse ethnic groups in Kenya. Furthermore, as already indicated, this study reveals that Kikuyu are happier than Luo with the current distribution of employment in Kenya.

Though Maasai are underrepresented in public universities, Commissions, County Public Service and Parastatals as already revealed in this study, they are much happier with the current distribution of resources and employment compared to Luo ethnic group. This is because while 48 per cent of Luo respondents observed that the distribution of resources is extremely inequitable among ethnic groups, only 16 per cent from Maasai felt the same. Conversely, while 20 per cent of the Maasai respondents felt that employment opportunities are fairly distributed, none from Luo ethnic group felt so.

In general, this study illustrates that Kikuyu and Kalenjin ethnic groups are more satisfied with the distribution of resources and employment opportunities in Kenya when compared to their Luo and Maasai counterparts. This is due to politicized ethnicity which plays a critical role in shaping people's perception. Since Kikuyu and Kalenjin believes they are in government, they are psychologically satisfied compared to Maasai and Luo who believe that they have been excluded from the government by the ethnic groups controlling the executive.

Conversely, most respondents regardless of their ethnic group acknowledge that there is a correlation between inequitable distribution of resources and/or employment and conflict. This is because inequality increases the feelings of marginalization and discontent, thus breeding animosity and subsequently conflict between different ethnic groups. Furthermore, inequity creates feeling of injustice that encourages people to mobilize and fight in order to change the patterns of the distribution of resources and employment opportunities. However, this happens only when people have been made conscious of their situation through politics and other forms of mobilizations. This is confirmed by the fact that only 19 per cent of the respondents observed that poverty causes conflict, compared to 86 per cent of the respondents who pointed out that relative deprivation causes conflicts. Politicized ethnicity helps in raising consciousness among people, a situation that makes it easy for elites to mobilize people especially co-ethnics for their own selfish interests.

4.5. Perceptions entrenched through politicization of ethnicity

The politicization of ethnicity in Kenya has played a significant role in promoting perceptions that political elites use to mobilize their co-ethnics. Most of these perceptions thrive due to the propaganda used by the political elites and the ignorance of most of their co-ethnics. This allows the politicians to take advantage of the prevailing situation to spread these

perceptions that serve their selfish interest. One of these perceptions political elites use to mobilize their co-ethnic is that, opposition strongholds have been marginalized while those ethno-regions that vote for the government enjoy the national cake. They create a perception that all residents who come from regions that overwhelmingly vote for the government enjoy more benefits compared to the individuals from the regions that vote for the opposition. However, the data from Kenyan parastatals, public universities, and independent commissions reveals that though ethnic based disparities exist in the country, politicization of ethnicity has made some groups who are not marginalized to appear marginalized, while those who suffer genuine exclusion are sometimes even forgotten.

This study has revealed that some ethnic groups consider themselves as marginalized due to the perceptions that have been built over time through politicization of ethnicity. For instance, despite the fact that employment data from parastatals, public universities, county public service and various independent commissions in Kenya demonstrates that Luo ethnic group are overrepresented in these institutions in terms of employment, 52 per cent of the respondents from Luo ethnic group still considered themselves as marginalized.[337] This contradicts the employment data from various institutions, including KIPPRA on the distribution of permanent secretaries from Kenya's independence to Kibaki regime which underscores that Luo ethnic group is neither excluded nor underrepresented. However, the perception of exclusion of this group has been entrenched through politicized ethnicity, a development that has promoted ethnic dissent and intermittent conflicts. This perception has gained prominence due to the fact that most of the political leaders from this ethno-region have been in opposition.

The study demonstrates that Luo ethnic group has been overrepresented not only in terms of employment in these institutions, but also the number of Chief Executive Officers (CEOs) the

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[337] See Chapter Three, p. 112

group has produced. For instance, in parastatals, Luo ethnic group has produced 30 CEOs, representing 16.2 per cent of all CEOs of parastatals in Kenya. This is an overrepresentation when compared to their national population percentage of 10.8 per cent. In addition, six out of thirty one VCs and Principals of public universities, representing 19.4 per cent, are from Luo ethnic group. Thus, this study argues that though ethnic based exclusion exists in Kenya, Luo ethnic group is not among the excluded groups as politicization of ethnicity has made many to believe.

Thus, this study argues that even though there have been persistent ethnic based conflicts in Rift Valley and Nyanza region, these conflicts have not been provoked by genuine exclusion. This is because the residents of these two regions, Kalenjin and Luo ethnic groups, have been overrepresented in many sectors as shown in this study. Instead, this study argues that the conflicts in these regions have been fueled by the politicization of ethnicity where leaders mobilize along ethnic lines to compete for political power and resources such as land, as argued by the Instrumentalist theory. Negative ethnicity and perceptions of historical injustices have promoted the growth of the politicization of ethnicity culminating into conflicts.

The other perception created by politicized ethnicity is that the President automatically benefits his co-ethnic. While demystifying this perception, Kivuva points out that the general perception is that there are only inter-group disparities with little regard to intra-group disparities. His study underscores the argument that the common man does not necessarily benefit even when their co-ethnic is the President. He for instance points out that though the Kikuyu ethnic group has dominated Kenyan politics and the economy for a long time; many Kikuyu continue to live in abject poverty especially in slums. This is due to the intra-group disparities as pointed out by Githinji and Holmquist who observes that the top 10 percent of the

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Kenyan population controls more than 50 percent of the Kenyan resources while the bottom 20 percent of the population controls less than 2 percent of the resources regardless of their ethnicity.[338] This kind of intra-group exclusion is however not politicized since it touches on the ruling class, especially the politicians, who play a significant role in politicizing other forms of exclusion and sometimes perceived exclusion.

Furthermore, this study reveals that even in ethno-regions that seem to be advantaged, the benefits are normally shared by a small group of people or are enjoyed by sub-regions.[339] Though East Pokot is for instance in Rift valley region which had presidency for over twenty years and its residents are the second most dominant ethnic group in terms of employment in most sectors, East Pokot is one of the poorest regions in Kenya. The region is semi-arid, characterized by poor infrastructure and high levels of illiteracy. The level of insecurity is also very high due to the prevailing cattle rustling menace which has become commercialized in the recent past.[340] As Schlee, quoted by Greiner observes, cattle rustling has become a blooming business that serves the interests of elites and is today highly politicized.[341] The menace has thus changed from the traditional cattle rustling to a struggle for infrastructure, land and administrative boundaries.

The other perception entrenched through politicized ethnicity is that the government has deliberately excluded some ethno-regions in sharing national cake. Although there are ethno-regional disparities in Kenyan society, there has been no deliberate government policy to exclude some targeted ethnic groups. This happens unconsciously due to tribalism and nepotism, where

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[338] See Chapter one, p. 26

[339] Op cit, Kivuva, pp. 128-133

[340] Greiner, C. Unexpected Consequences: Wildlife Conservation and Territorial Conflict in Northern Kenya, *Human Ecology*, Vol. 40, No. 3 (June 2012), pp. 415-425

[341] Schlee, G. Territorializing Ethnicity: The Political Ecology of Pastoralism in Northern Kenya and Southern Ethiopia, *Max Plank Institute for Social Anthropology*, Working paper no. 121, (2010) pp. 35-45

senior government officials employ their relatives and close friends, thus advantaging their ethnic groups. The post-independent government however indirectly intensified exclusion by focusing its investments in high potential areas such as tea and coffee growing areas and grain growing areas. This made some ethno-regions to be disadvantaged compared to other regions. However, individuals from most of these ethno-regions are not totally excluded as often portrayed, instead they are underrepresented.

This study therefore argues that perceptions that have been entrenched through politicized ethnicity have played a significant role in manipulating ethnicity which subsequently promotes ethnic based conflicts. These perceptions coupled with what is considered historical injustices heighten negative ethnicity which political elites use to mobilize co-ethnic, a situation that culminates into conflicts.[342] This study argues that if exclusion alone leads to conflicts, then most conflicts in Kenya could be among the Dasanech, Leysan, Gosha and Galjeel who are most affected by exclusion as already demonstrated. However, though these groups are excluded, they rarely participate in major conflicts since they lack influential political elites who can mobilize them on ethnic lines.

4.6. Chapter Summary

This chapter has revealed that though there has not been a deliberate policy in Kenya targeted towards excluding some specific ethnic groups from political, economic and social development, a number of factors have contributed towards exclusion of some ethno-regions in the country. These factors include uneven economic development by colonialists and missionary activities, political patronage especially during Kenya's single party rule, desire by the successive governments to maximize the investment of the limited resources in high productive

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[342] Galtung, J. Violence, Peace and Peace Research, *Journal of Peace Research*, Vol. 3 (1969), pp. 167-191

areas such as tea, coffee and grain growing areas, migratory patterns based on group's economic activities, state formation process, retrogressive cultural believes and practices among some ethnic groups and laissez-faire mode of development approach that was adopted by post-independent government. All these factors have played a role in fuelling the current ethno-regional disparities in the country. Nevertheless, political elites have ignored these factors, instead politicizing ethnicity which creates further exclusion and sometimes perceptions of exclusion even where there is none. This situation has promoted poor governance and ultimately intermittent ethnic based conflicts in various parts of the country.

This study reveals that politicized ethnicity promotes conflicts especially when there are ethno-regional disparities. When politicized ethnicity magnifies ethnic based disparities, conflict becomes inevitable regardless of the cause of the ethno-regional disparities. The study further demonstrates that politicized ethnicity promotes inequitable distribution of resources and employment opportunities due to tribalism and nepotism by senior government officials who are also politically elected. This tilts the composition of the civil service in favour of the ethnic group(s) whose elites control the executive. The study also depicts that politicized ethnicity creates perceptions of exclusion, which provokes conflicts. These perceptions of exclusion coupled with negative ethnicity have intensified popular dissent, a development that has created a lot of instability in the country.

This study has further demonstrated that some ethno-regions perceived to be excluded, and others that perceive themselves to be excluded are not necessarily so. Nyanza region for instance, which has been in the opposition for a long time is not only perceived by some people as excluded, but most residents of this region also perceive themselves to be marginalized. This study however reveals that Nyanza region, specifically Luo ethnic group, is in fact

overrepresented in terms of employment in many sectors. The study instead reveals that the perceptions of exclusion that have been built over time through politics have made many people including the residents of this region to believe that the region is excluded. This has subsequently heightened hatred for the government among the residents.

Thus, this study argues that the ethnic based conflicts that have been witnessed among Kalenjin and Luo, including 1992/93, 1997 and 2007/08 skirmishes cannot at all be linked to ethnic based exclusion. Instead, the politicization of the perceptions of ethnic based exclusion, scramble for political power and resources including land has played a key role in fueling these conflicts. Therefore, this chapter concludes by asserting that politicized ethnicity creates perceptions of exclusion and sometimes legitimate exclusion, a development that provoke dissent and subsequently conflicts. The next chapter examines politicized ethnicity from a human right perspective.

CHAPTER 5

POLITICIZED ETHNICITY AND HUMAN

RIGHTS IN KENYA

5.1 Introduction

This chapter examines politicized ethnicity from a human right perspective. It underscores the effects of politicized ethnicity on ethnic-based exclusion and subsequently human rights violations. The main argument here is that politicized ethnicity promotes ethnic based exclusion, which is a violation of human rights. Conversely, the study observes that conflicts emanating from politicized ethnicity present a favourable environment for exclusion of some ethno-regions and subsequently abuse of human rights. Therefore, this study demonstrates that it is impossible to have politicized ethnicity and strict observance of human rights in the same atmosphere. Consequently, the main argument presented in this chapter is that politicization of ethnicity leads to violations of human rights due to the entrenched ethnic based exclusion or perceptions of exclusion, a situation that makes conflict inevitable.

This chapter therefore proceeds as follows: The chapter begins by looking at politicized ethnicity as a violation of human right as stipulated in the 2010 Kenyan Constitution. Next, the chapter examines politicized ethnicity and social and economic rights. Here, the chapter endeavors to show how politicized ethnicity promotes exclusion in Kenya which has negatively affected individual's social and economic rights such as access to education, employment, adequate food, basic services including health care, personal security among others, thus leading to conflict. The chapter then looks at politicized ethnicity and political rights with emphasis on how politicized ethnicity enhances exclusion which has hindered people from enjoying their

political and civil rights. Political rights such as freedom of expression, association, one's right to participate freely in the governance of his country, right to equal access to public service and right to free and fair elections have been examined vis-à-vis the Kenyan constitution. Furthermore, Universal Declaration of Human Rights (UDHR) of 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR) both of 1966 and African Charter on Human and People's Rights (ACHPR) of 1981 would also form the basis for the analysis in this chapter.

The chapter looks at politicized ethnicity and political participation in Kenya emphasizing how politicized ethnicity leads to exclusion which affects political participation. The chapter also demonstrates how the Kenyan government used police force and later government sponsored militia to suppress some ethnic groups, and how lopsided voter registration creates voter apathy in some ethno-regions. Subsequently, the chapter examines politicized ethnicity and access to justice, seeking to answer the question: to what extent does politicization of ethnicity hinder access to justice of some people/groups, and if that has any effect on the possibility of conflicts. Finally, the chapter draws conclusions.

5.2 Politicized ethnicity as a violation of human right

As already demonstrated in this study, politicized ethnicity has played a critical role in promoting the prevailing ethnic based exclusion in the country.[343] This has in turn presented an environment that promotes violations of human rights, therefore negatively affecting good governance in the country. As observed by the social contract theory, the state should safeguard its citizen from brutality, insecurity and disorder that were widespread in the state of nature.[344]

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[343] See pp, 69-147
[344] Hobbes, T. *The State of Nature*, (Wiltshire: Routledge Taylor & Francis Group, 1632), pp. 1-23

The state is thus obliged to make laws and have enforcement mechanisms that regulate the behaviour of all agents in the society with an aim to protect and promote human rights.[345]

Politicized ethnicity activates ethnic identities as the bases for defining interests and mobilizing political power and/or resources, a development that promotes ethnic exclusion which violates human rights. Politicized ethnicity violates human rights both directly and indirectly contrary to the principles of international human rights law. It directly violates human rights by breaching some of the provisions of human rights instruments. For instance, the United Nations Minorities Declaration states that all individuals have a right to be involved in decision making and their interests should be taken into account in national planning. Politicization of ethnicity however violates this right since interest definition and mobilization of resources is based on ethnic identities, while excluding other ethnic group(s), a situation that fuels discontent and subsequently conflict as advanced by the theoretical foundations of this study.[346]

In the Kenyan context, politicized ethnicity directly violates human rights by contravening article 27(4) of the Constitution. This article gives every person a right to equal opportunities and treatment by asserting that no person should be discriminated based on any ground including sex, race, marital status, ethnic or social origins, religion, culture, belief or conscience.[347] The Constitution further gives every person equal protection, equal benefits of the law, and equal opportunities in economic, social, political and cultural spheres.[348] Politicized ethnicity however promotes discrimination contrary to this article, a situation that violates the rights of individuals or ethnic group(s). This argument was articulated by 24 per cent of the respondents who

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[345] UNHR, *Minority Rights: International Standards and Guidance for Implementation*, Vol. 10, No. 3 (2010), pp.1-30

[346] See Chapter 4, p. 133

[347] Ibid, Chapter 4, 27(4)

[348] Ibid, Chapter 4, 27(1), (3)

observed that ethnic based exclusion is itself a form of human rights violation since it contravenes the 2010 Constitution which states that everybody is equal before the law.

Conversely, politicized ethnicity indirectly violates human rights by presenting situations that hinder individuals from enjoying other rights. For instance, the general comment No. 14(2000) of the UN Committee on Economic, Social and Cultural rights observes that health facilities, goods and services should be within the physical reach by all members of the population.[349] This right is however denied when ethnicity is politicized culminating into ethnic based exclusion. Ethno-regions suffering from exclusion have few and sparsely located health facilities, making it difficult to access these facilities as demonstrated in this study.[350]

Politicized ethnicity also indirectly fuels human rights violations by heightening poverty in some ethno-regions. Though under the international human rights law, poverty is not considered a violation of human rights *per se*, poverty leads to the non-realization of human rights provided for in the international human rights instruments.[351] For instance, poverty makes the affected individuals unable to afford basic human needs such as education, health and even food, which are indeed rights to individuals. This is confirmed by United Nations Commission on Human rights which states that extreme poverty affects human rights. Conversely, the violation of human rights by the government leads to politicization of ethnicity which in turn heightens ethnic exclusion and poverty in some ethno-regions.

The nexus between ethnic based exclusion, which often emanate from politicized ethnicity, and abuse of human rights was corroborated by 88 per cent of the respondents as illustrated in table 5.1 below, who pointed out that there is a link between these two variables.

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[349] Ibid, pp. 7-16
[350] See Chapter 4, p. 133
[351] Sengupta, A. Extreme Poverty and Human Rights: A Case Study of the United States of America, *The Bangladesh Development Studies*, Vol. 33, No. 1/2 (March 2010), pp. 275-310

They pointed out that politicized ethnicity leads to lack of inclusivity which frequently degenerate into the violations of human rights and the vice versa. Furthermore, they argued that lack of inclusivity compromises social and economic rights of the excluded groups, which also in turn negatively affect Civil and Political rights. The respondent's perception on the nexus between ethnic based exclusion and abuse of human rights is summarized in this table.

Table 5.1: Is there a link between ethnic based exclusion and abuse of human rights?

Ethnic Group	Yes (%)	No (%)
Luo	92	08
Maasai	88	12
Kikuyu	84	16
Kalenjin	88	12
Average	**88**	**12**

Source: Field data, 2017

This study therefore demonstrates that politicization of ethnicity is not only a violation of human right, but it also creates conditions which deprive individuals other rights; a situation that frequently degenerates into conflicts.

Furthermore, politicized ethnicity indirectly violates human rights by creating environment that hinders the social, economic and cultural development of some people. Article 22 of the ACPHR recognizes the right to economic, social and cultural development and also the right to equal enjoyment of the common heritage by all mankind. Ashamu underscores this argument by observing that in order for the economic, social and cultural development to be in line with human right principles, it must be equitable, participatory, accountable, non-discriminatory and transparent.[352] As a result, this study argues that politicized ethnicity not only affects the rights provided for by ACPHR, but also affects equity, participatory and other principles outlined by Ashamu. Under such circumstances, politicized ethnicity thrives as elites mobilize the affected

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[352] Ashamu, E. Center for Minority Rights Development (Kenya) and Minority Rights Groups International on Behalf of Endorois Welfare Council V Kenya: A Landmark Decision from the African Commission, *Journal of African Law*, Vol. 55, No. 2 (2011), pp. 300-313

ethnic group under the guise of advocating for their right to development, a situation that exacerbates conflicts as highlighted by the Instrumentalist theory.

As observed by Sengupta, politicized ethnicity enhances the dichotomy between 'them' and 'us' where one group is often disadvantaged. The excluded group(s) lacks basic security and opportunities to help them have a life of value.[353] This negatively affects the dignity of some people as indicated by most of the international human rights instruments which underscore the need to preserve human dignity and security.[354] Article 19 (2) of the 2010 Constitution of Kenya also underscores human dignity by pointing out that fundamental freedoms and rights must be protected in order to preserve the dignity of both the individual and communities.[355] This depicts that politicized ethnicity indirectly affects the dignity of some ethnic groups, which is a violation of human rights. When the excluded ethnic group(s) lacks dignity and security, political elites take advantage of their situation to further politicize ethnicity, a development that frequently degenerates into ethnic divisions and subsequently conflicts.

Politicized ethnicity also indirectly violates human rights by denying some people services they are entitled to.[356] This happens especially when politicized ethnicity results in ethno-regional discrimination and exclusion culminating into the underdevelopment of some regions where access to basic services is difficult. In Kenya for instance, politicized ethnicity has promoted exclusion of some ethno-regions which even lacks qualified personnel such as teachers and health caregivers capable of offering services. This is for instance demonstrated by the ratio

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[353] Ibid, pp. 280-291

[354] Blau, J et al, It Ought to be a Crime: Criminalizing Human Rights Violations, *Sociological Forum*, Vol. 22, No. 3 (Sep., 2007), pp. 364-371

[355] Constitution of Kenya, Chapter 4, 19(2)

[356] Sengupta, A. Human Rights and Extreme Poverty, *Economic and Political Weekly*, Vol. 45, No. 17 (April, 2010), pp. 85-93

of doctor to patient in various regions in the country.[357] This argument was underscored by one respondent who asserted that lack of inclusivity leads to skewed development which in turn increases poverty in the affected ethno-regions. He pointed out that the resulting widespread poverty makes it difficult to maintain professionals in such areas that even lack basic social amenities. This denies the locals socio-economic rights such as access to health and education, a development that makes them vulnerable to ethnic mobilization and afterward conflicts.[358]

Politicization of ethnicity breeds ethnic exclusion which violates the right to development of the affected ethno-regions as underscored by Articles 55 and 56 of the Charter of the United Nations, which states that development is cardinal in realizing social, cultural and economic rights. World Bank also highlights this argument by observing that the goal of development is to create favourable environment for the realization of human rights. This discourse demonstrates that development is paramount in protection of human right. The right to development as pointed out by World Bank is guided by principles such as equity, non-discrimination, accountability, participation and transparency. Additionally, article 24 of the African Charter on Human and People's Rights (ACHPR) underscores that people have a right to a good environment that is conducive for their development.[359] This is however not possible in an environment where ethnicity has been politicized.

Both Article 24 of the ACHPR and the principles of the right to development as espoused by World Bank depict that exclusion based on ethnicity, which is a product of ethnic politics, affects the right to development of the excluded regions. As a result, from a human rights perspective, economic growth of a country should ensure equitable distribution of the benefits so

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[357] See Chapter 4, p. 133
[358] Interview with Lecturer, United States International University (USIU), 10th February, 2017
[359] Mark, S.P, Human Rights in Development: Claims and Controversies, *The Bangladesh Development Studies*, Vol. 33, No. 1/2, (March 2010), pp. 1-23

as to ensure the right to development is enjoyed by all citizens. United Nations Development Programme (UNDP) expresses the commonality between human development and other rights and how they are affected by exclusion by observing that:

> ….human development shares a common vision with human rights. The goal is human freedom. And in pursuing capabilities and realizing rights, this freedom is vital. People must be free to exercise their choices and to participate in decision-making that affects their lives. Human development and human rights are mutually reinforcing, helping to secure the well-being and dignity of all people, building self-respect and the respect of others.[360]

Politicized ethnicity negatively affects political processes such as democracy, conflict resolution and leader's accountability, hence promoting conflicts. Politicized ethnicity indirectly violates human rights and creates conducive environment for conflicts when it interferes with these political processes.[361] For instance, when politicized ethnicity impedes democracy and conflict resolution mechanisms in a country, human rights violations become widespread due to constrained freedoms and prolonged conflicts respectively. Furthermore, the accountability mechanisms seek to reduce the prospect of human rights abuse. Therefore, the environment where leadership is not accountable presents favourable atmosphere for human rights violations and subsequently conflicts. Thus, this study underscores that politicized ethnicity indirectly violates human rights by interfering with the political processes such as democracy, conflict resolution and accountability, which are cardinal concerns of human rights.

This study demonstrates that respect and protection of human rights is fundamental to conflict resolution and/or prevention. In other words, there is no sustainable conflict resolution without the respect for and protection of human rights and the vice versa. This realization of the nexus between protection of human rights and conflict prevention guided the establishment of

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[360] United Nations Development Programme (UNDP), *Human Development Report*, (New York, 2001) p. 9

[361] Cardenas, S. Mainstreaming Human Rights: Publishing Trends in Political Science, *Political Science and Politics*, Vol. 42, No. 1, (Jan., 2009), pp. 161-166

the UN as set forth in its charter. Thus, this study demonstrates that politicized ethnicity leads to ethnic exclusion, human rights violations and subsequently conflict.[362] As demonstrated here, human rights violations, lack of democracy and conflicts, which emanates from politicized ethnicity are all symptoms of poor governance.

Hughes's argument was underscored by 90 per cent of the respondents who argued that abuse of human rights and conflicts are inseparable. They asserted that conflict leads to abuse of human rights and vice versa, thus pointed out that protection of human rights is vital in conflict prevention. They observed that conflicts are characterized by killings, sexual abuse, maiming, deprived economic opportunities, torture and forced displacement as was witnessed in Kenya during the 2007/08 post-election violence. Furthermore, these respondents pointed out that during times of conflicts, fundamental freedoms such as freedom of movement, speech and association are curtailed. This breeds suspicion, mistrust, feelings of deprivations and negligence of the rule of law, a development that sparks more conflicts. Conversely, they asserted that when people's rights are abused, there is a likelihood that the affected group might rise against the abusers or the system that institutionalizes such abuses, culminating into conflicts. The summary of the respondent's opinions regarding this question are presented in table 5.2 below:

Table 5.2: Is there any link between abuse of human rights and conflicts?

Ethnic group	Yes (%)	No (%)
Luo	90	10
Maasai	96	04
Kikuyu	84	16
Kalenjin	88	12
Average	**90**	**10**

Source: Field data, 2017

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[362] Hughes, E. The International Human Rights Law Framework as a Tool for Promoting Peace and Preventing Conflict: Progress and Challenges, *Irish Studies in International Affairs*, Vol. 22, (2011), pp. 25-36

Politicized ethnicity indirectly violates human rights by promoting exclusion which makes the affected group unable to access justice, thus provoking them into conflict.[363] This is because politicization of ethnicity and subsequently exclusion plays a critical role in denying individuals and communities their cultural, social and economic rights. This makes the affected group unable to access their civil and political rights or simply unable to access justice. Hence, this study argues that it is difficult to have a meaningful access to justice when the social, economic and cultural rights of some individuals are violated. Conversely, the politicization of ethnicity negatively affects the realization of economic, social and cultural rights, and subsequently access to justice.

Griffin points out that lack of inclusivity culminates into a society where the oppressed accept their inferior position due to the unfair treatment by the oppressors. This creates obstacles that limit the progress of the oppressed, thus denying them their liberty. In other words, such a society is characterized by structural violence as argued by Galtung, making the disadvantaged group unable to realize their full potential. This kind of unfair system even compels the excluded groups to stop their ambitious life, a situation that also denies them their autonomy and subsequently progress.[364] This indicates that politicized ethnicity promotes lack of inclusivity which violates human rights by denying the excluded group their ability to achieve their full potential. This situation provokes conflict as argued by the theory of instrumentalist which forms the foundation of this study. In summary, politicization of ethnicity in any society leads to lack of inclusivity which directly and indirectly affects human rights, a development that subsequently culminates into conflict.

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[363] Kumar, R. National Human Rights Institutions and Economic, Social and Cultural Rights: Towards the Institutionalization and Developmentalization of Human Rights, *Human Rights Quarterly*, Vol. 28, No. 3, (Aug., 2006), pp. 755-779

[364] Griffin, J. Human Rights: Questions of Aim and Approach, *Ethics*, Vol. 120, No. 4 (July., 2010), pp. 741-760: 754

5.3 Politicized ethnicity and social/economic rights

The Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted by the UN General Assembly in 1948 and 1966 respectively, outline in detail social and economic rights entitled to every individual. Article 22 to 27 of UDHR identifies individual's social and economic rights as right to work, social security, adequate and quality food, shelter, health, clothing and education. Similarly, ICESCR highlights economic, social and cultural rights entitled to every individual. Article 13 and 14 specifically underline the right to education pointing out that primary education should be compulsory and available while secondary and tertiary education should be made easily accessible. Both UDHR and ICESCR consider economic and social rights to be indispensable and critical for human dignity, hence state parties are obligated to ensure that these rights are progressively implemented. These rights are so vital to the extent that some scholars refers to them as global public good entitled to all people regardless of their place of origin.[365]

Furthermore, Article 43 of the Kenyan Constitution highlights a number of economic and social rights that every Kenyan is entitled to. This section of the Kenyan law underscore that every person has a right to the highest possible standards of health including health care services, adequate housing, sanitation of reasonable standards, adequate food of good quality, clean and adequate water and education among others. However, despite all the provisions of international human rights instruments and Kenyan Constitution that guarantee all citizens socio-economic rights, politicized ethnicity which sometimes culminates into ethnic exclusion promotes the violations of these rights. Politicized ethnicity creates an atmosphere that makes it difficult for these rights to be guaranteed.[366]

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[365] Kim, T. Social Rights as a Global Public Good: Development, Human Rights and Accountability, *Journal of International and Area Studies,* Vol. 20, No. 2 (Dec., 2013), pp. 21-37

[366] See Chapter 4, pp. 121-128

The right to education is for instance considered so central in international human rights law possibly because it empowers an individual, enabling one to easily enjoy other rights and freedoms. When this right is violated due to politicized ethnicity, it leads to the denial of other rights, subsequently heightening poverty. As a result, Articles 2(2) and 3 of ICESCR requires all state parties to implement this right without discrimination. The governments are obligated to ensure education institutions and programs are well distributed within their areas of jurisdiction. Furthermore, it is the government's obligation to ensure that there are adequate education facilities like libraries, sanitation facilities, trained teachers with competitive salaries, safe drinking water and enough teaching materials.[367] Though governments are obligated to provide all these facilities so as to ensure the right to education is respected, protected and promoted, the widespread ethno-regional disparities partly due to ethnic based politics has made the provision of these facilities and services in Kenya quite irregular, thus promoting uneven access to the right of education among different ethno-regions in the country.

The extent of the implementation of the right to education can be evaluated in several ways including the ration of school-aged children enrolled in school compared to their total population.[368] In Kenya for instance, the right to education is not fairly granted in various ethno-regions when evaluated in terms of the ratio of school enrollment as already demonstrated in this study. Central region, home of Kikuyu ethnic group, enjoy the right to education more compared to other regions, while North Eastern region inhabited by Kenyan Somali least enjoy this right as demonstrated by the school enrolment and literacy levels of various ethno-regions in the country.[369] Furthermore, the access to safe drinking water, adequate education facilities and

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[367] Kalantry, S. et al, Enhancing Enforcement of Economic, Social and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR, *Human Rights Quarterly*, Vol. 32, No. 2 (May., 2010), pp. 253-310
[368] Ibid, pp. 275-287
[369] See Chapter 4, pp. 130-131

teacher-pupil ratio which enhances the right to education as demonstrated in this study appears to favour Central region while the North-Eastern is the most affected.[370]

As discussed by Oanda and Jowi, the right to education is not only critical in social policy but is also an agent of economic development.[371] This is because education is the only means of training a workforce that is critical for economic development. Oanda and Jowi further assert that education helps in reducing social inequalities and eradicating poverty by promoting agricultural development, designing different technologies including that of water and sanitation and availing academic programs that promote sustainable development for the realization of the Millennium Development Goals (MDGs). Thus, the regions in Kenya that enjoy more access to education are also privileged in many ways, while those that least enjoy this right are disadvantaged in many ways including high poverty levels.

Ethnic exclusion resulting from politicized ethnicity in Kenya has promoted irregular enjoyment of the right to education among different ethno-regions. Oanda and Jowi for instance point out that Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Kenyatta University were established and located in Central region during President Jomo Kenyatta's regime. Moreover, Moi and Egerton universities together with a number of colleges were established and located in Rift Valley during President Moi's regime.[372] The location of universities determines the ethnic composition of the majority of employees and students, a development that has discriminated ethno-regions without such institutions. Thus, the location of the education institutions has not only made it difficult for some ethno-regions to access their

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[370] See Chapter 4, pp. 132-133
[371] Oanda, I. O, and Jowi, J. University Expansion and the Challenges to Social Development in Kenya: Dilemmas and Pitfalls, *Journal of Higher Education in Africa*, Vol. 10, No. 1 (2012), pp. 49-71
[372] Ibid, pp. 49-71

right to education, but has also violated the right to work due to the influence of negative ethnicity.

Furthermore, the right to health as demonstrated by the international human rights instruments requires states to refrain from promulgating discriminatory health policies. It also obligates governments to establish and fund efficient and effective public health systems that would ensure adequate access to health services by all citizens. Though the right to health care is an entitlement to every citizen as highlighted by Kenyan Constitution, the access to this right is highly skewed as illustrated by the ratio of Doctor to patient among the various ethno-regions in the country. This right, just like the right to education, has been skewed in its provision due to the influence of politicized ethnicity and subsequently exclusion.

This study argues that politicized ethnicity culminates into ethnic based exclusion which results in the violations of social/economic rights and subsequently conflicts. Consequently, the marginalized populations often forms armed insurgency groups who engage in violence with an aim of rectifying social and economic injustices. This depicts that when social and economic rights of individuals or communities are violated, the prospect of conflict increases as the excluded groups sometimes result to unconstitutional means to claim their rights.[373] Violation of social and economic rights creates grievances that motivate violence. This was corroborated by one respondent who observed that ethnic based exclusion violates social/economic rights such as the right to work, to clean water and education, a situation that makes the affected ethno-region vulnerable to political mobilization and subsequently conflict as observed by the Instrumentalist theory of ethnic conflict.[374] Conversely, during conflicts, further violations of these rights occur

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[373] Langford, M. and Bhattarai, A.M. Constitutional Rights and Social Exclusion in Nepal, *International Journal on Minority and Group Rights,* Vol. 18, No. 3 (2011), pp. 387-411

[374] Interview with a Lecturer, *Institute of Diplomacy and International Studies (IDIS),* University of Nairobi, 17th February, 2017

in form of destruction of various infrastructures, kidnapping of students and employees in various government ministries and restriction of food supplies to some regions thus worsening hunger and frustrations.

Many respondents pointed out that the abuse of individual's social rights propagates or exacerbates conflicts. They argued that abuse of social rights leads to increased sense of discrimination, tribal animosity, disillusionment of the affected group, and ethnic polarization, a situation that fuels ethnic based conflicts. Some respondents pointed out that abuse of social rights culminates into economic incapacitation, alienation, anger, frustrations and lack of self esteem among the excluded group who as a result consider themselves as second class citizens, a situation that easily degenerates into mass protests and industrial unrest. This easily graduates into organized conflicts that lead to the destruction of properties and life. Such situations in turn cause political apathy and a desire for revenge, thus leading to a vicious cycle of violence and further violations of human rights.

The violation of social and economic rights in Kenya is more rampart among the pastoralist communities who are also relatively deprived compared to other ethnic groups. These violations coupled with proliferation of large numbers of small arms and light weapons in the hands of the locals have resulted into frequent conflicts in these regions. This has not only had detrimental social and economic consequences, but has also negatively affected the security of these ethno-regions, thus violating the rights to freedom and security of the person as underscored in Article 29 of the Kenyan Constitution.[375]

Daly and Silver considers poverty, unequal treatment and economic deprivation not just as violations of economic and social rights, but also as social problems. They consider them social

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[375] Greiner, C, et al, Notes on Land-Based Conflicts in Kenya's Arid Areas, *African Spectrum*, Vol. 46, No. 3 (2011), pp. 77-81

problems pointing out that economic deprivation of some sections of the population impair democratic functioning of a state and subsequently negatively affect national cohesion.[376] In addition, they argue that unfair treatment of people especially based on ethnicity leads to frustration–aggression and subsequently conflicts. Unfair treatment, for instance when accessing jobs, food, clothing and other basic needs that determines physical health and psychological well-being, builds resentment that sometimes provokes actions that are unconstitutional as the affected group demands their rights.

The violations of social and economic rights frequently lead to fewer opportunities of the affected group, a situation that promotes politicized ethnicity. This also breeds discontent and later culminates into conflicts if no intervention measures are put in place. For instance, when the right to education of an individual or a group is violated, opportunities for attaining a good standard of living are also diminished; further heightening social exclusion and inequality. The political elites take advantage of the prevailing situation to politicize ethnicity for their own selfish interests, subsequently diminishing the prospects for a peaceful society.[377] This discourse was advanced by one interviewee who observed that ethnic based exclusion violates the enjoyment of other rights, including the denial of some vital services offered by the government. This leads to skewed development of infrastructure, social amenities and inequitable provision of basic services among the excluded group, a development that intensifies ethnic based politics.[378]

The idea of economic and social justice has now become prominent in various forums, both nationally and internationally. This demonstrates how significant social and economic rights

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[376] Daly, M. and Silver, H. *Social Exclusion and Social Capital: A Comparison and Critique, Theory and Society*, Vol. 37, No. 6 (Dec., 2008), pp. 537-566

[377] Sian, S. Patterns of Prejudice: Social Exclusion and Racial Demarcation in Professional Accountancy in Kenya, *The Accounting Historians Journal,* Vol. 34, No. 2 (Dec., 2007), pp. 1-42

[378] Interview with the Director*, Center for Sustainable Conflict Resolution*, a Non-Governmental Organization, 3rd February, 2017

are in today's society, hence must be respected, protected and promoted by all states. For instance, the United Nations General Assembly has recognized that, "There is a need to consolidate the efforts of the international community in poverty eradication and in promoting full employment and decent work, gender equality and access to social well-being and justice for all"[379] As a consequence, though legal practitioners continue to argue on the justiciability of the social and economic rights, there is *prima facie* evidence that these rights play a central role in the well-being of an individual or society, and therefore needs to be protected.

Verma points out that economic and social justice should address all issues related to exclusion such as distribution of resources, removal of all forms of discriminations, eradication of poverty and equal access to necessary material goods and service.[380] This is because when these issues are not addressed adequately, individuals are unable to enjoy their social and political rights, a development that degenerates into politicized ethnicity and structural violence. In Kenyan context for instance, these issues are prevalent and have been highly politicized. This has caused widespread dissatisfaction especially among the people who claim to have suffered historical injustices. The issues of ethnic based exclusion, commonly considered as human right violations, become more pronounced especially during elections due to the politicization of ethnicity, a situation that often provokes intermittent conflicts.

Glenn on the other hand argues that free and compulsory education and access to basic welfare are part of social rights. He underscores the need to respect, protect and fulfill these rights in any society so as to promote social cohesion. He further observes that the public should

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[379] Statement made by Mr. Petr Kaiser, "*EU Presidency Statement-United Nations: World Day of Social Justice*", 20 February 2009, New York

[380] Verma, V. Conceptualizing Social Exclusion: New Rhetoric or Transformative Politics, *Economic and Political Weekly,* Vol. 46, No. 50 (Dec., 2011), pp. 89-97

support education since it is a public good.[381] This argument was underscored by 74 per cent of the respondents who pointed out that the right to education is one of the fundamental socio-economic rights that must be enjoyed by all citizens. They observed that denial of full access to this right in some ethno-regions in the country continue to not only fuel discontent among the excluded, but also pose security challenges in the country since terrorist and other criminal gangs are likely to target them for recruitment.

Munn argues that the violations of economic and social rights evidenced in poor housing, high levels of illiteracy, insecurity, poor health status and low incomes leads to social exclusion, politicized ethnicity and later conflicts among the affected groups. Conversely, one respondent pointed out that politicized ethnicity promotes ethnic based exclusion which violates social and economic rights in many ways, including limiting one from owning property and living a decent life in any part of the country.[382] This illustrates that politicization of ethnicity frequently leads to the violations of social and economic rights and the vice versa, a development that creates a favourable environment for the escalation of conflict.[383]

Githongo for instance points out that politicization of ethnicity and the violations of social and economic rights due to rampart corruption and economic inequalities fomented the 2007 post-election violence in Kenya. He argues that the widespread sense of exclusion among some sections of the population and especially the youth, created conducive environment for the politicization of ethnicity and conflict. Hence, he considers the election dispute as a trigger of a conflict that would have taken place in future. The inability to promote and protect social and economic rights among most youth made them become alienated. As a result, these youth

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[381] Glenn, E.N, Constructing Citizenship: Exclusion, Subordination and Resistance, *American Sociological Review*, Vol. 76, No. 1 (February 2011), pp. 1-24

[382] Interview with Senior Security officer, 6th February 2017

[383] Munn, P. and Lloyd, G. Exclusion and Excluded Pupils, *British Educational Research Journal*, Vol. 34, No. 2 (Apr 2005), pp. 205-221

believed that the post election violence was a critical moment for their social and economic empowerment. Githongo further observes that the Kenyan history is characterized by politicized ethnicity which plays a significant role in violating socio-economic rights of some groups. He for instance points out that Kibaki government's lack of inclusivity in the provision of socio-economic right fueled popular dissent for his administration.[384]

Bagaka on the other hand observes that negative ethnicity within the Kenyan politics has resulted in lack of inclusivity and subsequently regional disparities which negatively affects the stability of Kenyan state. He argues that regional disparities in terms of access to education, public employment, economic activities and infrastructure development is not only a violation of human rights but has also contributed to wasted talents, reduced growth and missed opportunities among the disadvantaged group.[385] This in turn has heightened poverty and popular discontent, a situation that politicians use to advance their political interests. Poverty and discontent promotes structural violence which frequently degenerates into conflicts when the atmosphere is ripe.

Holmquist and Githinji argue that President Moi violated the social and economic rights of many Kenyans including the Kikuyu ethnic group who had hitherto controlled the Kenyan economy during President Jomo Kenyatta's administration. They observe that Moi violated the economic rights of the Kikuyu businesspeople and politicians whom he considered a threat to his administration. For instance, they point out that Moi frustrated collective capital accumulation among the GEMA communities and further undermined the newly established banks that were majorly managed by Kikuyu elites.[386] Consequently, hatred for Moi's regime grew due to the

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[384] Githongo, J. Fear and Loathing in Nairobi: The Challenges of Reconciliation in Kenya, *Foreign Affairs*, Vol. 89, No.4 (July/August 2010), pp. 2-9

[385] Bagaka, O. Parades of Reforms and the Quest for Social Equity: The Kenyan Case, *Administrative Theory and Praxis*, Vol. 31, No. 2 (Jun., 2009), pp. 187-205

[386] Holmquist, F. and Githinji, M. The Default Politics of Ethnicity in Kenya, *The Brown Journal of World Affairs*, Vol. 16, No. 1 (2009), pp. 101-117

violations of these rights, a development that heightened politicization of ethnicity, culminating into intermittent conflicts, demonstrations and strikes in various parts of the country.

Similarly, Lynch argues that during Moi's regime, economic and social rights were not seen as rights *per se* by many Kenyans. Instead, they were perceived as privileges since the Moi regime used these rights to reward the loyal constituencies. The Moi administration for instance constructed roads, hospitals, factories and schools mostly in areas he enjoyed political support.[387] Furthermore, in areas that were considered pro-government, individuals were rewarded with senior government jobs including appointment to cabinet secretaries, while at the same time neglecting opposition strongholds and areas without many votes. This intensified politicized ethnicity and subsequently ethnic based exclusion among many Kenyans, a situation that continue to fuel mistrust to date.

5.4 Politicized ethnicity and political rights

The Preamble of the Kenyan Constitution highlights the need to recognize the aspirations of every Kenyan, and consequently respect human rights, freedoms, equality, social justice, rule of law and democracy. This is fundamental in creating a favourable atmosphere where citizens regardless of their ethnic background can enjoy social, economic and political rights. Furthermore, Article 38 of the Kenyan Constitution underlines political rights entitled to every citizen. These includes the right to make political choices, to free, fair and regular elections under the principles of universal suffrage and also the right to be registered as a voter and subsequently vote by a secret ballot. [388] These Civil and Political rights in the Kenyan

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[387] Lynch, G. Negotiating Ethnicity: Identity Politics in Contemporary Kenya, *Review of African Political Economy,* Vol. 33, No. 107, March., 2006), pp. 49-65
[388] 2010 Kenyan Constitution, Article 38

Constitution are also enshrined in other international human rights instruments, hence they are rights entitled to the global citizens.

However for a long time, politicized ethnicity has led to blatant violations of Civil and Political rights, making it difficult for people to enjoy their right to participate in government. This contradicts the Kenyan Constitution, Article 21 of the UDHR, Article 25 of the International Covenant on Civil and Political Rights (ICCPR) and ACHPR which underscores the right to participate in the government. These human rights instruments emphasize the right for citizens to participate in government, which entails the right to equality of access to public service and political participation in one's country. This right is guaranteed when a country holds regular and genuine elections by universal suffrage where the will of the people prevails.[389]

Mbondenyi underscores the rights provided by these human rights instruments by pointing out that elections should provide a platform for citizens to participate in their government especially on decisions that affect them. He however asserts that politicized ethnicity in form of ethnocentrism promote ethnic exclusion, which negatively affect the right of some citizens to participate in government. Kenya's political system, which often rewards cronies and sycophants, while at the same time punishing political opponents, has exacerbated the violations of human rights, further fueling popular dissent among the disadvantaged.[390] This makes the excluded quite vulnerable for political mobilization and manipulation by elites as pointed out by the theoretical underpinnings underlying this study which observes that political elites take advantage of the feelings of frustrations among some sections of the population to mobilize them for their own interests.

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[389] Universal Declaration of Human Rights, Adopted 10 December 1948, arts, 21

[390] Mbondenyi, M. K. Entrenching the Right to Participate in Government in Kenya's Constitutional Order: Some variable lessons from the African Charter on Human and People's Rights, *Journal of African Law*, Vol. 55, No. 1 (2011), pp. 30-58

The *prima facie* evidence presented in this study, both primary and secondary, reveals that politicized ethnicity encourages ethnic exclusion which violates Civil and Political rights. Many respondents for instance observed that lack of inclusivity limits individuals from the disadvantaged groups from developing their political careers to the fullest. They also asserted that exclusion makes the affected groups to despair and abstain from exercising their Civil and Political rights like voting. They therefore argued that this explains why there is low voter turnout in some regions in Kenya while in other regions like Central, turnout during elections is always more than 90 per cent.

After Kenya was made a *de jure*, one party state in 1982, the KANU regime crashed opposition movements by detaining, torturing and sometimes killing political dissidents.[391] President Moi used security forces to suppress any critic to his administration since he associated insecurity and instability to criticism of his regime. Thus, critics such as Raila Odinga, Mohammed Ibrahim, John Khaminwa, Gitobu Imanyara, Kenneth Matiba and Charles Rubia were detained in blatant violation of their political rights. However, after the end of the Cold War, external and internal pressure compelled President Moi to repeal section 2(A) of the Constitution paving way for multi-party politics. Nevertheless, this period witnessed the worst human rights violations in Kenyan history since resistance by the opposition motivated the incumbent regime to intensify their oppressive efforts.

However, for fear of the negative repercussions from the international community, President Moi shifted from the direct repression by use of security forces to privatized state violence where the government sponsored ethnic militias which were used to crash the opposition, a situation that further worsened human rights violations. This fueled ethnic based

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[391] Roessler, P.G. Donor-Induced Democratization and the Privatization of State Violence in Kenya and Rwanda, *Comparative Politics*, Vol. 37, No. 2 (Jan., 2005), pp. 207-227

conflicts especially in Rift Valley as "Kalenjin militias" carried out atrocities that targeted perceived opposition elements, especially Kikuyu and Luo, sometimes under the supervision of security forces. In a clandestine manner, Moi regime sought to weaken the opposition by supporting these militias which frequently attacked ethnic groups aligned to the opposition. Additionally, Moi administration encouraged ethnic violence so as to demonstrate to the world that multi-party politics was unsuitable for a multi-ethnic society like Kenya. Though Moi regime played a key role in these conflicts, it consistently denied its involvement, instead blaming the opposition.[392]

Adar and Munyae observe that Moi was reluctant to embrace the idea of human rights since he considered it alien and inconsistent with African culture. He thus perceived human rights advocates to be disloyal and unpatriotic individuals who were serving the interests of their foreign masters.[393] Consequently, his regime politicized ethnicity and subsequently curtailed the freedoms of assembly, expression, association and movement as thugs were sometimes used to disrupt opposition rallies. Multi-party politics in Kenya intensified politicized ethnicity and the persecution of key opposition figures from particular ethnic groups, a situation that culminated in serious violations of their political rights. In addition, the executive's interference with the doctrine of separation of power, which enabled it to control the judiciary and parliament allowed Moi regime to further violate human rights. As a result, human rights advocates, both ordinary citizens and Members of Parliaments (MPs) were frequently arrested and tortured.

In 1992 and 1997 general elections, some ethno-regions experienced blatant violations of their political rights since voters were denied their rights to vote. In Rift Valley and Coast regions particularly, voters were denied their rights to vote under the guise that their names were

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[392] Ibid, 208-216

[393] Adar, K. G. and Munyae, I. M. Human Rights Abuse in Kenya Under Daniel Arap Moi, 1978-2001, *African Studies Quarterly*, Vo. 5, No. 1 (2001), pp. 1-13

missing in the voter's register despite being legally registered. The ethnic groups, who were perceived to be opposition supporters, were denied their rights to vote consequently excluding them from political participation. This was underscored by one respondent who pointed out that, during this time, it was even made very difficult for some ethnic groups to get Identity Cards (ID) and voter's cards, thus denying them their right to vote.[394] This coupled with the attacks on journalists for reporting such incidences exacerbated human rights violations. Thus in 1997, opposition held demonstrations demanding electoral reforms that would guarantee a free and fair election. However, these demonstrations were forcefully dispersed by teargas and police beating, a development that subsequently denied the electorates the right to a free and fair election in that year.[395]

Furthermore, some ethnic groups especially in Rift Valley and Coast regions were denied the right to vote due to a well orchestrated ethnic violence. The 1992 and 1997 violence for instance took place just before elections. This violence was sustained for several weeks before election date so as to make it difficult for the opposition supporters to vote. In most cases, the violence subsided after voting. Other methods that were used to deny people their political rights included assassinations of top politicians and extra-judicial killings so as to intimidate the opposition from demanding their political rights or even participating in political processes.[396]

Human rights violations were not only present during KANU regime, but also during Kibaki administration. For instance, electorates were denied the right to a free and fair election in 2007 general elections which were marred by a lot of irregularities, a development that triggered the post-election violence. Klopp argues that both Orange Democratic Movement (ODM) and the Party of National Unity (PNU) manipulated the electoral process. However, he points out that

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[394] Interview with a Senior Security Officer, 7th February, 2017
[395] Op Cit, Adar and Munyae, pp. 3-8
[396] Op cit, Lynch, pp. 49-65

since the incumbent controlled the state machinery, PNU rigged the elections more, leading to the disputed results.[397] Similarly, the Kriegler commission reveals a number of irregularities in the 2007 elections which included a voter registry that had only 71 per cent of voters and 1.2 million deceased persons, manipulation of electoral commissioners, ballot-stuffing, vote buying and intimidation of voters especially in strongholds of certain parties. The motivation for rigging the elections was due to politicized ethnicity where losers suffer political oblivion.

Human rights violations heightened during the 2007/08 post-election skirmishes where both the government and the opposition supported armed ethnic militia to cause violence. Klopp reveals that while ODM politicians supported militias that attacked thousands of Kenyans from many parts of the country especially the Rift Valley region, some senior officials from the government also supported armed militias, which were used for retaliatory attacks on innocent Kenyans particularly in Naivasha.[398] Political elites from both the opposition and the government easily mobilized ethnic militias that violated human rights due to the widespread politicized ethnicity that was present, a development that later heightened ethnic polarization and hatred.

Weiss corroborates Klopp's argument by pointing out that 2007 general elections were fundamentally flawed, a move that triggered violence. He further observes that when violence broke, the government whose security forces was majorly dominated by Kikuyu used excessive force to quell demonstrators by use of life bullets that resulted in the deaths of many innocent people. He further underscores the report by Commission of Inquiry into Post-Election Violence (CIPEV) which shows that the violence was caused by personalization of power coupled with widespread inequalities especially in land distribution.[399] Weiss's argument depicts that the right

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[397] Klopp, J.M. Kenya's Unfinished Agendas, *Journal of International Affairs*, Vol. 62, No. 2 (2009), pp. 143-158
[398] Ibid, 145-156
[399] Weiss, T.G, Halting Atrocities in Kenya, Great Decisions (2010), pp. 17-30

to free and fair elections, right to security, right to life and that of picketing were all violated during this period.

Similarly, Landau asserts that the 2007/08 post-election violence was a campaign that was well coordinated and state centered. He however attributes violence to ODM which he argues was contesting presidential elections results which were widely perceived to have been stolen. Consequently, security forces and armed militias were used to suppress demonstrators who vented out their frustrations in the streets.[400] Landau's argument also demonstrates the extent to which human rights were violated in this period. Minkler on the other hand underlines the significance of the right to free and fair elections by observing that if electorates can register their displeasure by voting out bad leaders, those in elective posts would be forced to respect and protect human rights for fear of being voted out, thus reducing the motivation for conflict.[401]

Sorens observes that political discrimination based on ethnic identity is a violation of political rights, a development that can easily degenerate into dissatisfaction of the affected group and subsequently conflicts. Conversely, he points out that conflicts leads to the violations of "personal integrity rights" for instance forced relocation and torture.[402] The 2007 campaigns in preparation for general elections later in the year corroborated Sorens's argument since this period was characterized by the rhetoric that not only undermined inclusivity, but also promoted human rights violations. For instance, some campaign speeches that portrayed particular ethnic groups as poor leaders due to cultural issues violated their political rights, culminating into the

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[400] Landau, L. B and Misago, J.P, Who to Blame and What is to Gain? Reflections on Space, State and Violence in Kenya and South Africa, *African Spectrum*, Vol. 44, No. 1 (2009), pp. 99-110

[401] Minkler, L. Economic Rights and Political Decision Making, *Human Rights Quarterly*, Vol. 31, No. 1 (May.,2009), pp. 368-393

[402] Sorens, J. The Politics and Economics of Official Ethnic Discrimination: A Global Statistical Analysis, 1950-2003, *International Studies Quarterly*, Vol. 54, No. 2 (June 2010), pp. 535-560.

2007/8 post-election violence that led to Internally Displaced Persons (IDPs). The IDPs were not only denied their economic and social rights, but also their personal integrity rights.

Berman observes that though negative ethnicity has not been given official recognition in state institutions in Kenya, ethnicity remains the main factor that determines voting in Kenya.[403] Thus, ethnic based political mobilization which leads to bloc voting and ethnic based coalitions has fundamentally violated political rights enshrined in the Constitution. This is for instance demonstrated by the fact that those who go against the will/political inclination of the ethnic group are perceived to be supporting the "enemy". This compels some individuals, perhaps with different and a better political opinion to join the popular party in their region. This violates Article 38 (1) (c) of the Kenyan Constitution which states that every citizen has a right to campaign for a political party of his/her choice or for a certain cause.

In some extreme cases, some people have been killed, others beaten or their property including their homes destroyed for supporting a political party that is not popular in their regions. This type of violence, frequently directed to the supporters of unpopular parties in some regions has denied many citizens their rights of expression and that of campaigning for a political party of their choice. This was corroborated by one respondent who asserted that politicized ethnicity in Kenya sometimes forces one to vote for a particular candidate especially when the voter lives among dominant ethnic group who support a certain political party. For instance, a Luo living in Central region or a Kikuyu living in Rift Valley might be forced to support a candidate he does not want so as to avoid trouble. He further pointed out that some

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[403] Berman, B.J, Ethnic Politics and the Making and Unmaking of Constitutions in Africa, *Canadian Journal of African Studies*, Vol. 43, No. 3 (2009), pp. 441-461

good political leaders have been compelled to support their ethnic kingpin for survival, when in reality they do not believe in the ideology supported by their kingpins.[404]

Eifert argues that electoral competition in Kenya fuels ethnic mobilizations and counter-mobilizations, making ethnicity a cardinal factor in electoral victory. He observes that ethnic mobilization intensifies during elections since this is the critical moment when power changes hands.[405] The ethnic mobilization which culminates into bloc voting fuels impunity since sometimes the popular and the winner in party primaries is denied party ticket and instead given to the candidate the party prefers. The popular candidates end up losing during the elections if he joins another party to contest for the same seat since voting is based on party affiliations which in turn is based on ethnicity. This denies the popular candidates the right to hold office as provided in Article 38 (3) of the Kenyan Constitution.

Arriola corroborates Berman's argument by pointing out that African incumbents co-opt ethnic kingpins by giving them some privileges, which in turn motivates them to mobilize votes for the incumbent. The kingpins decide where their respective ethnic groups would vote, regardless of the character of the candidate. This depicts that most electorates vote based on the direction given by the ethnic kingpins, thus denying them the right to campaign and support a political party of their own.[406] This argument was underscored by 68 per cent of the respondents who pointed out that politicized ethnicity leads to ethnic based voting which denies some people their democratic right of joining and campaigning for a party of their choice, lest they would be stigmatized. Some respondents also observed that politicized ethnicity also denies electorates good and competent leaders due to ethnic based voting and appointments.

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[404] Interview with a Senior Security Officer, 6th February 2017

[405] Eifert, B. et al, Political Competition and Ethnic Identification in Africa, *American Journal of Political Science*, Vol. 54, No. 2, (April.,2010), pp. 494-510

[406] Arriola, L.R and Johnson, M.C, Ethnic Politics and Women's Empowerment in Africa: Ministerial Appointments to Executive Cabinets, *American Journal of Political Science*, Vol. 58, No. 2 (April., 2014), pp. 495-510

The need to respect political rights was also underscored by Kenyans in 2002 during the public hearings that were held in every province by the Constitution of Kenya Review Commission (CKRC), as they gathered views from Kenyans in the process of writing the new Constitution. Most citizens observed that there is a need for a more inclusive political space that gives citizens more power to check the government. They argued that the widespread rate of corruption is attributable to too much power on executive, while denying citizens their right to participate in the government. Thus, they underlined that the government belongs to all Kenyans hence the need for popular participation.[407]

Franck and Rainer enumerate three possible relationships that exist between a political leader and members of his co-ethnics, especially in Africa. They point out that the first relationship could be what they call "ethnic altruism" where a political leader is happier when his ethnic group has higher level of well-being. For instance, a Kikuyu politician could be generally happier when Kikuyu have better standards of health or are well educated. Besides, they assert that the second possible relationship is where members of ethnic groups have large "psychic benefits" when they see their co-ethnic in power. For example, Kikuyu ethnic group are likely to feel happier when their own is in power. They finally call the third possible relationship *quid pro quo* where the ethnic group of the leader, just like other ethnic groups, would only support their own in exchange for development projects.[408] All these possible relationships explain the reason for the widespread politicized ethnicity and violations of political rights in African continent.

Such situation denies minority groups their political rights, thus fomenting frustrations among them. Humphreys and Weinstein assert that, such frustrations intensify when the

[407] Diepeveen, S. The Kenya's We Don't Want: Popular Thought Over Constitutional Review in Kenya, 2002, *The Journal of Modern African Studies*, Vol. 48, No. 2 (June., 2010), pp. 231-258

[408] Franck, R. and Rainer, I. Does the Leader's Ethnicity Matters? Ethnic Favouritism, Education and Health in Sub-Saharan Africa, *The American Political Science Review*, Vol. 106, No. 2 (May.,2012), pp. 294-325

excluded groups are unable to express their concerns through legal and non-violent means since their political rights are violated. Consequently, the affected citizens results into extra-legal means to advance their economic, social or political interests, a development that culminates into conflicts.[409] One respondent underlined this argument by observing that most marginalized groups are frustrated since they do not have a political representation at a higher level capable of presenting their grievances to the central government. He specifically pointed out that Sengwer community have never had a Member of Parliament to represent their concerns, arguing that even in 2013-2017 administration, the highest representative the community had is a Member of County Assembly (MCA).[410]

Therefore as argued by Hannum, promotion and protection of human rights is fundamental in enhancing good governance and preventing conflict from escalating into armed violence. However, politicization of ethnicity makes it difficult for the promotion of human rights. This means that national cohesion, promotion of human rights and stability can best be achieved where ethnicity is not politicized. Furthermore, Hannum asserts that human rights violations are widespread in times of war even when parties involved tries to respect norms of humanitarian law.[411] One respondent corroborated this argument by asserting that in times of war, freedoms of speech, assembly and picketing, provided in the Constitution are violated, a development that heightens discontent among the affected group. She thus observed that the respect of these freedoms and all human rights enshrined in the Constitution is cardinal for sustainable peace.[412]

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[409] Humphreys, M. and Weinstein, J.M Who fights? The Determinants of Participation in Civil War, *American Journal of Political Science*, Vol. 52, No. 2 (April., 2008), pp. 436-455
[410] Interview with Director of Research, National Cohesion and Integration Commission, 27th January 2017
[411] Hannum, H. Human rights in Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peace building, Human Rights Quarterly, Vol. 28, No. 1 (Feb., 2006), pp. 1-85
[412] Interview with National Cohesion and Integration Commission (NCIC) Commissioner, 27th January 2017

5.5 Politicized ethnicity and access to justice

"In England, justice is open to all, like the Ritz hotel"

Sir James Mathews, an Irish Judge

The Ritz hotel was accessible only by those who had money and not the poor. It was open to those who were properly dressed, with acceptable accent, and those who knew how much to tip *maitre d'* when entering and *Concierge* on their way out of the hotel.[413] In other words, Mathews' assertion implied that the poor were unlikely to access justice just as they were unable to be served in Ritz hotel, a statement that makes a lot of sense even in today's society and justice system. Despite the fact that both international human rights instruments and Kenya's legal system commits to ensure that every person has access to justice, in practice, the marginalized and the poor finds it difficult to access justice as was observed by Mathews several decades ago.

The principle of access-to-justice for all is underlined in UDHR which provides that every person is entitled to a fair hearing by an impartial and independent tribunal. Here, fair hearing includes not only to be presumed innocent until proven guilty, but also to be represented by a Counsel in appropriate cases. The ICCPR also observes that every person has a right to equality and fairness before courts so that no one is denied their right to access justice. This has been interpreted by the United Nations Human Rights Committee to mean that every person should be represented by a Counsel in some instances so that no one is deprived, in procedural terms, the right to access justice.[414] Thus, both UDHR and ICCPR underscore the need to ensure that justice is easily accessible by everybody.

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[413] Davis, M.F, Participation, Equality and the Civil Rights to Counsel: Lessons from Domestic and International Law, T*he Yale Law Journal*, Vol. 122, No. 8 (June 2013), pp. 2260-2281
[414] Ibid, pp. 2262-2276

Furthermore, the General Recommendation No. 29 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) urges the state parties to enhance access to justice for all by providing legal aid. The need to ensure justice is easily accessed by all global citizens has been accentuated by various human rights instruments, both domestic and international, with an aim of guaranteeing the rights of every person. Similarly, the Rapporteur on Extreme poverty underscored the need to ensure justice is accessed by all by observing the following:

> The inability of the poor to pursue justice remedies through existing systems increases their vulnerability to poverty and violations of their rights. In turn, their increased vulnerability and exclusion further hamper their ability to use justice systems. This vicious circle impairs the enjoyment of several human rights.[415]

As pointed out by the Rapporteur on Extreme Poverty, the poor and the marginalized are often denied their rights to access justice, perhaps due to their inability to have a Counsel to represent them in court or ignorance. This denies them other rights leading to increased frustrations and subsequently conflicts as argued by the theoretical foundations of this study. Therefore, this study argues that politicized ethnicity promotes exclusion which indirectly obstructs access to justice, by increasing poverty and the level of illiteracy of the excluded groups. Consequently, this intensifies discontent and later conflicts especially when the disadvantaged group is mobilized and encouraged to fight for their rights. This argument was corroborated by one respondent who pointed out that when people are unable to access health care, clean water, education and other political or civil rights, the probability of conflict is exacerbated.[416]

Article 48 of the Kenyan Constitution provides that, the state shall ensure every person has access to justice and incase there is any fee needed, that fee shall be reasonable so as not to

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[415] Rep. of the Special Rapporteur on Extreme Poverty and Human Rights, UN Doc A/67/278 (Aug. 9, 2012)
[416] Interview with National Cohesion and Integration Commission, Commissioner, 27th January 2017

obstruct access to justice especially among the poor.[417] In addition, international law upholds the principle of "Equality of arms", which requires justice to be served not influenced by one's resources but on the law. However, though the Kenyan Constitution and international law have these provisions that advocate access to justice for every person, majority of the poor marginalized groups and individuals are unable to access justice. This is because the pursuit of justice through the court system remains expensive, hence the marginalized cannot afford.

Ben-Shahar rightly asserts that access to courts and subsequently justice is the franchise of the elites, as the poor and excluded continue to endure violations of their rights.[418] Such violations frequently foment increased dissent among the poor, creating unstable societies. This is because the corner stone of a fair and just society lies in the ability of its members to access justice equally. Politicized ethnicity culminates in excluded ethnic groups who are largely poor and unable to access justice, especially through the courts system due to a number of reasons. First, the excluded groups are unable to file and sustain a case in court due to the cost handicap as hitherto demonstrated. Though the Kenyan Constitution states that any fee charged for accessing justice should be reasonable, law suits are generally very expensive endeavors in Kenya, which also take a long time to settle. Consequently, when majority of the people, especially the poor marginalized, does the cost-benefit calculus, the cost of going to court to seek justice becomes untenable and unworthy.

Sant'Ambrogio underscores Ben-Shahar's argument, while discussing administrative law, by observing that most of the individuals among the excluded groups are poor and unable to afford a Counsel. He specifically points out that only 40 per cent of immigrants in Columbia can afford to hire a lawyer, hence their access to justice is highly compromised. He further argues

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[417] Kenyan Constitution, Chapter 4, Article 48

[418] Ben-Shahar, O. The Paradox of Access Justice and its Application to Mandatory Arbitration, *The University of Chicago Law Review*, Vol. 83, No. 4 (2016), pp. 1755-1817

that gold miners, who are mostly black people vulnerable to lung diseases due to their exposure, are not able to hire a competent counsel. This is because there are few financial incentives for lawyers to take up black lung claimant's cases, a situation that leaves miners without access to financial benefits. This is despite the fact that the black lung benefits program is supposed to compensate them in case of lung related illness.[419]

Furthermore, Ben-Shahar observes that for one to go to court to seek justice, he or she must be aware of his or her rights so that he can recognize when they have been violated. This is not possible to illiterate or semi-illiterate people, where majority are not even aware of their rights. One needs to have a certain level of education in order to know his or her rights, so as to recognize their violation. As already depicted in this study, politicized ethnicity promotes ethnic based exclusion in Kenya which has resulted in low literacy levels in some ethno-regions, thus people from such regions are unlikely to know their rights, leave alone accessing justice. However, even the few who know their rights are unlikely to seek legal redress due to their high poverty levels and the long durations cases sometimes take in Courts.[420]

One must also trust that the court is a reliable arbiter before initiating any form of litigation. Branch and Cheeseman observe that during president Moi's regime, the executive was strengthened through Constitutional amendments at the expense of Civil and Political rights. Institutions such as the judiciary that were supposed to protect human rights were firmly controlled by the executive. When Kibaki came into power in 2002, he not only failed to initiate genuine Constitutional reforms but also used the executive power to further marginalize the opposition. For instance, a few days to 2007 general elections, the President violated the Inter-Party Parliamentary Group (IPPG) agreement by appointing 19 out of the 22 electoral

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[419] Sant'Ambrogio, M.D, and Zimmerman, A.S, The Agency Class Action, *Columbia Law Review*, Vol. 112, No. 8 (December 2012), pp. 1992-2067
[420] Op cit, Ben-Shahar, pp. 1756-1789

commissioners without consulting the opposition, a development that made the opposition lose confidence in the electoral process. Furthermore, the President appointed five new High Court judges to a bench that was already seen as partisan. These developments made the opposition not only to dispute the Presidential election results but also lack confidence in the judiciary since they felt they could not get justice in Courts. This motivated the opposition leaders and supporters to participate in mass demonstrations which culminated into violence that claimed at least 1300 people and displaced hundreds of thousands more.[421]

Furthermore, one needs a competent attorney for representation in order to access justice.[422] However, ethnic-based exclusion leads to increased poverty among the affected group, as already demonstrated in this study, making them unable to find a competent attorney since the poor are less attractive clients for attorneys. Most competent attorneys prefer rich clients since their main business is to make money. This study therefore argues that politicized ethnicity leads to ethnic based exclusion which results into high poverty and illiteracy among the excluded groups, a situation that makes them unable to access justice due to lack of knowledge on their rights and unaffordable Court processes. Furthermore, this study observes that among the people who go to Court and represent themselves, the poor and the less educated are unable to effectively advocate their rights.[423]

Nayyar points out that discrimination in any society is a form of social injustice, thus one of the canons of social justice is to eradicate or at least reduce discrimination. Consequently, he points out that empowerment of people, through provision of opportunities and protection of

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[421] Branch, D. and Cheeseman, N. Democratization, Sequencing and State Failure in Africa: Lessons from Kenya, *African Affairs*, Vol. 108, No. 430, (Jan.,2009), pp. 1-26
[422] Op cit, Ben-Shahar, pp. 1760-1792
[423] Op cit, Ben-Shahar, pp. 1760-1790

their rights is cardinal in enabling them access justice.[424] Nayyar's argument resonates well with many people living in various ethno-regions in Kenya, since it paints a picture of what has been happening in the country. Ethno-regions which have suffered exclusion have also been denied justice for long, thus political elites have taken advantage of the prevailing situation to politicize ethnicity, culminating into conflicts. The politicization of injustice and sometimes perceived injustice has exacerbated the situation, culminating into dissent commonly reflected in rhetoric such as 'No justice, no peace'.

Conversely, Hayes asserts that giving free legal aid and legal representation to the poor helps them to access justice. He however points out that the experience of going to Court is a serious ordeal that many people especially the poor are unwilling to go through, thus most of the poor or the disadvantaged people prefers to access justice using other means such as traditional arbitration and settlement. He further argues that these people would be contented as long as their basic needs are met, for example when they live a quiet life without intimidation or when there are no threats of oppression.[425] This demonstrates that the oppressed sometimes views justice differently from the affluent people and would as a result seek it using other traditional means like repatriation rather than going to Court.

This study argues that poor education and high levels of poverty, which are often products of politicized ethnicity, makes it difficult for the affected groups to participate in key government decision making. Exclusion of these groups in decision making indirectly hinders them from accessing justice since some decisions made usually violates their rights. For instance, before the government or any non-governmental organization implement a project that might affect

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[424] Nayyar, D. Discrimination and Justice: Beyond Affirmative Action, *Economic and Political Weekly*, Vol. 46, No. 42 (October 2011), pp. 52-59

[425] Hayes, M. Access to Justice, *An Irish Quarterly Review*, Vol. 99, No. 393, *Power and Accountability in Ireland* (2010), pp. 29-42

environmental health, it is vital to involve the locals in environmental impact assessment. However, low levels of education sometimes makes it difficult for some ethnic groups to be involved in a meaningful way, a development that not only violates their right to participate in decision making that affect them, but also their access to justice.

Involving the excluded groups in decision making raises their public awareness, educates and empowers them, and gives them an opportunity to express their concerns, a development that increases the acceptance of the decisions made and also enhances government accountability. Participation of the excluded groups in decision making also helps in making decisions that reflects local needs and values.[426] This plays a significant role in building trust among the excluded. The excluded will therefore have more trust in the institutions of governance, hence likely to voice their concerns and grievances through these institutions instead of resulting to violence. When the excluded feel they can access justice through the constitutionally established institutions, they are unlikely to cause conflicts. However, the probability of resulting into unconstitutional means while seeking justice increases when people have no confidence with the existing institutions.

5.6. Chapter Summary

This chapter has demonstrated that politicized ethnicity promotes ethnic exclusion which negatively affects the rights of the excluded group, making conflict inevitable. The chapter points out that politicized ethnicity promotes violation of human rights both directly and indirectly. Directly because both the international legal instruments and the domestic laws provide that no one should be discriminated against on the basis of ethnicity, thus politicized

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[426] Kravchenko, S. The Myths of Public Participation in a World of Poverty, *Tulane Environmental Law Journal*, Vol. 23, No. 1 (2009), pp. 33-55

ethnicity which encourages ethnic exclusion directly contravenes these provisions. Politicized ethnicity on the other hand indirectly violates human rights by creating environments that makes it difficult for one to enjoy other rights such as socio-economic and civil/political rights. For instance, extreme poverty and illiteracy which results due to politicization of ethnicity and exclusion makes it difficult for the affected groups to enjoy other rights.

This chapter further argues that politicized ethnicity promotes ethnic based exclusion which results in disempowerment of some groups making them unable to access justice. They are disempowered since they lack basic social services including education and good health, which are the backbone of human well-being. Lack of such basic services further worsens the vulnerability of the affected groups, making them unable to claim their rights. In other words, this study argues that social and economic rights are so important since one cannot enjoy civil and political rights without first having an access to the former. Particular emphasis is given to the right to education, which empowers people to pursue other rights, and that of access to health service which is concerned with the physical and psychological well-being of an individual. Generally, this chapter points out that though economic and social rights are classified as second generation rights, they are linked to human dignity and therefore their violations jeopardizes the fulfillment of other rights.

The chapter further reveals that politicized ethnicity violates Civil and Political rights. This is as demonstrated by the Kenyan scenario where there has been persistent ethnic based politics which hindered some ethno-regions from fully participating in political processes, including voting. Consequently, this led to widespread violations of human rights, a development that frequently degenerated into intermittent conflicts. Politicized ethnicity promotes lack of inclusivity, which has undermined social-economic rights, political/civil rights and access to

justice, a situation that has frequently provoked conflicts as advanced by the theory of Instrumentalist. The next chapter evaluates and analyzes the legal, policy and institutional framework for addressing politicized ethnicity in Kenya and suggests ways of strengthening them in order to promote their utility.

CHAPTER 6

EXISTING FRAMEWORK FOR ALLEVIATING

POLITICIZED ETHNICITY IN KENYA

6.1. Introduction

This chapter presents and analyzes the legal, policy and institutional frameworks that have been initiated to address politicized ethnicity in Kenya, with a view to determine their efficacy. The chapter specifically underscores the reforms that have so far been carried out in the country in attempt to address politicized ethnicity and some of the challenges that have been faced in the process of conducting such reforms. These reforms are analyzed so as to find out whether they have yielded the desired results and if not, find out why and at the same time proffer what else needs to be done to fully alleviate politicized ethnicity and subsequently ethnic exclusion in the country. The analysis focuses on but not limited to, the role equalization fund and the new policy on employment have played in mitigating politicized ethnicity and subsequently ethnic based exclusion.

The remaining part of this chapter is therefore organized in the following sequence: First, the chapter examines legal framework that has been instituted since the adoption of the multi-party politics in Kenya. This section analyzes legal reforms vis-à-vis politicized ethnicity with an intention of demonstrating the progress that has so far been made. Second, the analysis focuses on policy framework that has been put in place in Kenya to alleviate politicized ethnicity and consequently promote inclusivity. The third section evaluates the institutional reforms that have been initiated in Kenya so as to mitigate politicized ethnicity, exclusion and enable all identity

groups enjoy their rights equally. The chapter then examines what obstructs inclusivity in the country and subsequently what can be done to reverse the situation. Finally, the chapter draws conclusions.

6.2. Legal Reforms

The repeal of section 2(A) of the Kenyan constitution in 1991, that paved way for a multi-party politics, is one of the early reforms that were undertaken in order to open the political space that was hitherto dominated by a few elites from certain ethnic groups within the ruling party.[427] Thus, the introduction of political pluralism in Kenya to some extent promoted inclusivity by allowing people, who formerly had no voice, to participate in governance particularly through the activities of the opposition parties.[428] However, though political pluralism enhanced inclusivity in governance, it ushered in many ethnic based political parties, a development that exacerbated politicized ethnicity in the country. Consequently, this period was characterized by heightened political manipulation and mobilization with the winners in elections believing that "it was their time to eat". This called for further reforms that would not only enhance political inclusivity but also alleviate the burgeoning politicized ethnicity.

This process for legal reforms culminated in the 2010 Kenyan Constitution which is the foundation upon which all the legal reforms in Kenya have been anchored. This assertion was corroborated by 30 per cent of the respondents who considered the Constitution, especially the provisions on devolution so pertinent in promoting inclusivity and alleviating politicized ethnicity in the country. In addition, some of the respondents highlighted articles 11, 40 and 69

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[427] Mbondenyi, M.K, Entrenching the right to Participate in Government in Kenya's Constitutional Order: Some Viable Lessons from the African Charter on Human and People's Rights, *Journal of African Law*, Vol. 55, No. 1 (2011), pp. 30-58
[428] Ibid, pp. 35-49

to be pertinent in promoting inclusivity. Article 11 requires the state to promote diverse culture through literature, science, communication, the arts, publications, mass media and traditional celebrations, while article 40 allows any Kenyan to own property of any description in any part of the country.[429] Promotion of diverse culture and giving people freedom to own property in any part of the country allows diverse ethnic groups to intermingle with one another, a move that helps them to demystify some of the ethnic stereotypes that elites use to politicize ethnicity. In addition, article 69 obligates the state to ensure equitable sharing of benefits accruing from natural resources and also promotes public participation in the management of the environment. This also helps to mitigate the feeling of alienation which makes ethnic groups susceptible to elite manipulation that leads to conflicts.

In addition, Article 56 of the Kenyan Constitution provides for affirmative action that seeks to redress marginalization that has been prevalent in Kenya since colonial government.[430] This article requires the state to put in place affirmative action programme that ensures the marginalized are represented in governance and are provided with special opportunities in education, access to employment and other economic prospects. Likewise, article 174 presents the objects of devolution which includes but not limited to, protect and promote the rights and interests of marginalized communities, enable equitable sharing of resources both at national and county level, and give powers of self-government to people and enhance their participation in making decisions, especially those affecting them.[431] All these legal reforms seek to address the prevailing ethnic disparities that political elites use to politicize ethnicity for their own selfish interests as observed by the theoretical underpinnings of this study.

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[429] 2010 Kenyan Constitution, Chapters 2,4 & 5
[430] Kenyan Constitution, Chapter 4
[431] Kenyan Constitution, Chapter 11

One respondent asserted that relevant laws to mitigate ethnic based exclusion have been drafted but what remains a challenge is their implementation. He for instance pointed out that the 2010 Constitution, which underscores devolution, has adequately addressed the widespread discriminations that have been present in the Kenyan society. He further observed that the introduction of various other legislations has played a cardinal role in fostering inclusivity. For instance, he argued that the NCIC act of 2012, employment act of 2007, equality bill of 2015, County government act and political parties act which requires all political parties to show the face of Kenya before they are registered, are some of the key legislations meant to promote inclusivity and subsequently alleviate politicized ethnicity.[432]

Article 60(1) of the Constitution underscores the need for an equitable, productive, efficient and sustainable management of land. Furthermore, the article stresses on the security of land rights and effective land administration. This article indirectly seeks to alleviate politicized ethnicity since land has been highly politicized in the country. However, this provision has not changed perceptions among Kenyans since various ethnic groups have frequently laid claims on their ancestral land where other ethnic groups are considered foreigners. A good example is Rift Valley as already demonstrated in this study where Kalenjin perceive other ethnic groups in the region as foreigners. This has precipitated animosity between different ethnic groups living in that region as elites politicize land issue, a development that often culminates into intermittent conflicts in the region especially during general elections.

Furthermore, Article 232 of the Kenyan Constitution highlights the need for inclusivity by pointing out some of the principles of public services. Among them include but are not limited to the principle of responsive, prompt, effective, impartial and equitable provision of services, representation of Kenya's diverse ethnic groups and affording equal opportunities in

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[432] Interview with a Commissioner, National Cohesion and Integration Commission, 27th January 2017

appointment, training and advancement of the members of all ethnic groups at all levels of public service. If all people in leadership, especially political leaders and public servants embrace the values and principles articulated in this Article, politicized ethnicity will have no room in the Kenyan society, a situation that would promote national cohesion and subsequently inclusivity.

Though the independence Constitution focused on protecting individual rights and fundamental freedoms, it did not recognize social and economic rights as underscored by other international human rights instruments. Thus, the recognition of social and economic rights in Article 43 of the 2010 Constitution marked a major paradigm shift that was meant to address exclusion by giving social and economic rights to all people including the hitherto excluded individuals and identity groups. Kunzler however argues that though the social and economic rights are recognized in the current Constitution, many people do not enjoy them due to various barriers.[433] For instance, the right to health care and education though provided in the law remains hypothetical in some areas in Kenya due to the uneven access to these facilities as already demonstrated in this study.

Southall underscores Kriegler Commission's recommendation of having a second round in presidential elections if none of the candidates wins with a majority vote. He asserts that by requiring the winning presidential candidate to get a majority vote would force the candidates to widen their appeal across all ethnic groups in Kenya, and consequently spread development across the country once in office.[434] This is because failure to widen appeal across all ethno-regions by spreading development programs limits the candidate from attaining majority vote. Article 138 (4) of the 2010 Constitution underscores Southall's argument since it requires the

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[433] Kunzler, D, Social Security Reforms in Kenya: Towards a Workerist or a Citizenship-based System? *International Social Security Review*, Vol. 69, No. 1 (2016), pp. 67-84

[434] Southall, R, Alternatives for Electoral Reform in Kenya: Lessons from Southern Africa, *Journal of Contemporary African Studies*, Vol. 27, No. 3 (July 2009), pp. 445-461

presidential candidate to garner more than half of all the votes cast and at least 25 per cent of the votes in not less than 24 Counties for him/her to be declared the President elect.[435] This requirement is meant to promote inclusive politics where a candidate seeks to please most ethnic groups.

Besides the 2010 Kenyan Constitution, other legal reforms that have been instituted in the country include various Acts of Parliament that were passed, sometimes creating independent institutions. Some of these Acts of Parliament that sought to promote inclusivity in the country and subsequently alleviate politicized ethnicity includes; Public Service Commission Regulation of 2005 and Public Procurement and Disposal Act of 2005. The public service commission regulations of 2005 lays down procedures for appointment, promotion and discipline of public officers, while the public procurement and disposal Act of 2005 aims to ensure that public procurement processes are non-discriminatory.[436] These Acts promotes inclusivity by not only giving equal employment opportunities to individuals from different ethnic groups, but also ensuring non-discriminatory procurement processes.

Section 7 of the National Cohesion and Integration (NCI) Act No. 12 of 2008 underscores the need for inclusivity of all individuals in social and economic development. In particular, this section underlines the need to represent diversity of the people of Kenya in all public institutions. As a result, this law requires that no public institution should employ more than a third of its staff from one ethnic group.[437] The NCI Act, which established the NCIC mandated to promote equality of opportunities, harmony and peaceful coexistence among different ethnic groups, was enacted after the 2007 post-election skirmishes. However, the NCIC faces a challenge when

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[435] 2010 Kenyan Constitution, Chapter 9, Article 138 (4)
[436] Op cit, Akech, pp. 347-370
[437] National Cohesion and Integration Act, 2008 Section 7(2)

performing its duties due to the existing lacuna in Kenyan law, since there is no provision that specifies the penalties for individuals who politicize ethnicity and promote exclusion.

The significance of independent commissions such as NCIC in alleviating politicized ethnicity and exclusion in the country was reiterated by 35 per cent of the respondents who observed that these institutions have played a central role in promoting inclusivity in the Kenyan society. They further pointed out that if the 2010 Kenyan Constitution is implemented fully, while at the same time independent institutions empowered to carry out their duties effectively without undue political influence, ethnic exclusion and politicized ethnicity would remarkably be reduced if not eliminated. They for instance considered the prosecution of hate speech a step in the right direction in fighting negative ethnicity and subsequently ethnic based exclusion.

Furthermore, the enactment of County Government Act of 2012 has provided a legal framework that allows people to be involved in their government at the local level. The County Government Act (CGA) has thus played a critical role in enhancing inclusivity in the Kenyan society. This Act has not only given people an opportunity to be involved in their governments at the local level, but has also allowed people from different counties to intermingle through employment. Section 65 of the CGA for instance requires that at least 30 per cent of vacancies in employment should be given to members of ethnic groups who are not the dominant group in the County.[438] This means that no single ethnic group should occupy more than 70 per cent of employment positions at the County level. However, despite the existing law, most counties continue to contravene this Act due to the misguided notion that Counties were created to exclusively benefit the locals, a development that further exacerbate negative ethnicity hence disenfranchising the non-locals. The audit report on Counties by NCIC for instance depicts that

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[438] County Government Act, 2012

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at least 32 counties had breached section 65 of CGA as of 2015.[439] The blatant disregard of the law by leaders both at County and National governments continue to fuel ethnic based exclusion and politicization of ethnicity in the country, despite the fact that good laws have already been formulated to curve this menace.

Hesse and Pattison observe that the devolved county funds to local levels if prudently used would help in carrying out several development projects based on the needs of the region. This would also promote capacity building among local people by empowering them to participate in the socio-economic development of their respective regions.[440] However, despite the fact that there is a certain percentage of the national funds that have already been channeled to the local level for development purposes, corruption and theft of public funds worsened by the poor accountability mechanisms continue to promote mismanagement of public funds at County level. Consequently, the common man especially in the previously marginalized regions continues to be alienated as the money meant for development is enjoyed by a few individuals.

6.3. Policy Reforms

Besides legal reforms, a number of policy frameworks have been instituted in the country with an intention of alleviating the politicization of ethnicity that has become widespread in the country, often provoking exclusion and intermittent ethnic based conflicts. For instance, throughout 1990s, President Moi never entertained the idea of civic education since he considered it an initiative to incite citizens in favour of opposition. Thus, as Bodewes observes, the President often ordered his security officers to harass civic educators by breaking the organized workshops and destroying their teaching materials. However, in 2002 the Constitution

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[439] NCIC, *Ethnic and Diversity Audit of the County Public Service*, Vol. 1, No. 2 (2015), p.8

[440] Hesse, C. and Pattison, J, Ensuring Devolution Supports Adaptation and Climate Resilient Growth in Kenya, *International Institute for Environment and Development*, (June 2013), pp. 1-5

of Kenya Review Commission (CKRC) insisted on the need to undertake civic education within a sanctioned legal framework. This marked a significant political turning point in the country since it created more space for citizen participation in the governance system through civic education.[441] Today, civic education plays a significant role in promoting national cohesion among diverse ethnic groups, thus easing politicization of ethnicity.

Furthermore, the growth of the civil society in Kenya has helped in promoting good governance and subsequently inclusivity by creating a vibrant sense of transparency in the country. As observed by Nzomo, the expansion of civil society has promoted good leadership and 'public good', subsequently promoting inclusivity in the country. The civil society organizations which dramatically increased in 1990s were particularly advocating for democratic governance, political stability, and elimination of increased corruption that had intensified poverty in some regions. They also voiced their concerns on social and ethnic fragmentation that threatened Kenya's social fabric. Thus, the expansion of civil society in Kenya was a major policy reform that also encouraged other reforms in the country, since civil society's major objectives revolved around constitutional reforms, recognition and respect for human and women's rights, promotion of civic education and holding of free and fair elections.[442]

Towards the 1997 general elections, the opposition and civil society groups compelled President Moi to embrace the minimum reforms proposed by the Inter Parties Parliamentary Group (IPPG). The IPPG passed reforms that were considered critical for holding free and fair elections, by for instance recommending that the appointment of the electoral commissioners should not be done unilaterally by the President. The President was obligated to consult the

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[441] Bodewes, C. Civil Society and the Consolidation of Democracy in Kenya: An Analysis of a Catholic Parish's Efforts in Kibera Slum, *The Journal of Modern African Studies*, Vol. 48, No. 4 (December 2010), pp. 547-571

[442] Nzomo, M, Civil Society in the Kenyan Political Transition: 1992-2002, in W.O, Oyugi, et al, *The Politics of Transition in Kenya, from KANU to NARC,* (Nairobi: Heinrich Boll Foundation, 2003), pp. 180-211

opposition before appointing these commissioners. This not only gave the opposition some influence when electing commissioners, but also ensured the electoral commission conducted their duty with some independence, a development that made many citizens to trust this institution.[443] However, since the IPPG package was not anchored in the law, President Kibaki disregarded it and instead unilaterally appointed all commissioners as well as several High Court judges, consequently making the opposition lose faith in these institutions.

The IPPG had also recommended that when selecting the 12 Members of Parliament (MPs) representing special interests, proportional representation should be the basis for such selection. This further helped in opening political space that enabled the participation of various ethnic groups in the country's leadership. Furthermore, the IPPG's package enhanced political accountability among the elites.[444] Though the IPPG's package was not anchored in the law hence subject to manipulation, its recommendations became the precursor of a number of political reforms that later followed. IPPG's recommendations for instance ensured free and fair elections in 2002, enabling the NARC government which introduced many other reforms to take power.

The other major policy reform that was instituted in Kenya was on the area of media freedom. Both President Kenyatta and Moi monopolized the Kenyan media making it almost an informal publicity arm of the government. During their administrations, state machinery was used to intimidate journalists and newspapers editors, sometimes arresting and even beating them for propagating what the government considered an opposition agenda. President Moi also considered local language stations to represent the interests of their respective ethnic groups, thus only English and Kiswahili stations were allowed to operate. However, these two stations

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[443] Kanyinga, K, and Long, J.D, The Political Economy of Reforms in Kenya: The Post-2007 Election Violence and a New Constitution, *African Studies Review*, Vol. 55, No. 1, (April 2012), pp. 31-51
[444] Ibid, pp. 31-51

alienated large sections of the populations since majority of the people could not understand these languages. The alienated population became vulnerable to political mobilization and manipulation by elites as observed by the theoretical foundation of this study.

In early 1990s, the introduction of political pluralism also liberalized the media culminating in several media outlets. Furthermore, the communications amendment Act of 2008 enhanced media freedom and gave journalist some protection from intimidation in the course of their duties.[445] Though the proliferation of local language media outlets have sometimes been used by political elites to propagate their selfish and tribal interests, local language media houses have made it easy for the previously marginalized groups unable to understand Kiswahili and English to interact with the rest of the country. Despite the fact that political pluralism did not solve all problems related to governance as anticipated by many Kenyans, it at least promoted media freedom, certain levels of transparency and inclusivity.

Though Kenyatta and Moi administrations promoted exclusion as demonstrated by Sessional paper No. 10 of 1965, which encouraged the government to invest development money where it yielded the highest output, the NARC government changed focus in 2003 by publishing a paper on *the economic recovery strategy for wealth and employment creation 2003-2007*. This paper underscored the need to invest in arid and semi-arid areas. Furthermore, in 2008, the government created the Ministry of State for Development of Northern Kenya and other Arid Lands (MNKOAL), a move that inaugurated the policy framework for mainstreaming ASAL issues in central government.[446]

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[445] Ogola, G. The Political Economy of the Media in Kenya: From Kenyatta's Nation-Building Press to Kibaki's Local Language FM Radio, *Africa Today*, Vol. 57, No. 3 (2011), pp. 77-95
[446] Odhiambo, M.O, Moving Beyond the Rhetoric: the Challenge of Reform in Kenya's Dry lands, *International Institute for Environment and Development,* (2013), pp. 1-5

Odhiambo underscores that ASAL's policy seeks to promote infrastructural development, rule of law, human capacity, enhance security, strengthen traditional governance systems, implement peace building and Conflict management policy and ensure that local values and priorities are taken into account when doing any project in the region.[447] The ASAL policy by President Kibaki regime played a significant role in initiating some developments in the previously excluded ethno-regions. In addition, the Kenya vision 2030 is another strategy that has been adopted to promote equitable growth in various ethno-regions, an approach that is likely to enhance inclusivity in the country.

Furthermore, the Sessional paper No. 8 of 2012 on National Policy for the Sustainable Development of Northern Kenya and other Arid Lands, the establishment of National Drought Management Authority, and National Council on Nomadic Education and the Livestock Marketing Boards are some of the other policy reforms that have been initiated in attempt to enhance inclusivity in the country. These reforms are significant since they address poverty among the formerly marginalized regions especially the arid and semi-arid regions. Curbing poverty in these ethno-regions helps in alleviating frustrations among the residents, a development that reduces their vulnerability to political mobilization and manipulation as argued by the Instrumentalist theory of ethnic conflicts.

Though Cheeseman and Tendi contend that power sharing arrangement most often does not deliver genuine reforms, the Kenyan case proved otherwise since it provided an atmosphere that supported some reforms.[448] This is because during the coalition government, a number of institutional reforms were carried out which enhanced transparency and accountability. As a

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[447] Odhiambo, M.O, The ASAL Policy of Kenya: Releasing the Full Potential of Arid and Semi-Arid Lands: An Analytical Review, *Nomadic Peoples,* Vol. 17, No. 1 (2013), pp. 158-165

[448] Cheeseman, N. and Tendi, B.M. Power Sharing in Comparative Perspective: the Dynamics of 'Unity Government' in Kenya and Zimbabwe, *The Journal of Modern African Studies,* Vol. 48, No. 2 (June 2010), pp. 203-229

result, many citizens developed trust in some of these institutions particularly the judiciary. Enhanced trust in institutions of governance was evident in 2013 when the Coalition for Reforms and Democracy (CORD) challenged the Presidential election results in court unlike in 2007 when they cited lack of trust with the judiciary. Furthermore, during the power sharing period, Kenya promulgated the new constitution that formed the basis for other reforms. Thus, this study argues that though the power-sharing arrangement was not a reform in itself, it was a good policy that presented a favorable environment for other reforms to take place in the country.

Under the coalition government in Kenya, reforms were carried out more easily than before, since the 2007 post-election crisis compelled different actors to take reforms more seriously. Besides, heightened domestic and international pressure and lack of opposition in parliament made the coalition government to speed up the reform agenda which culminated in the promulgation of the new constitution. The unity of purpose within the coalition partners played a critical role in promoting the reform process. This is because both the coalition partners wanted some reforms, especially the new constitution. Kibaki wanted a new constitution to salvage his good legacy that was almost completely dented by the 2007/08 skirmishes, while Odinga wanted the new constitution to prove that he is a reformists so that he could use it as a campaign tool ahead of 2012 general elections.[449]

The reforms that have been ongoing in Kenya have contributed significantly in the reduction of the executive power, while at the same time strengthening the Judiciary and Legislature. However, the executive is still characterized by significant abuse of power and corruption. For instance, the commission of inquiry into post-election violence found out that the head of public service ordered the administration police to train a number of its officers who would act as agents for the Party of National Unity (PNU) during 2007 general elections. The

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[449] Op cit, Kanyinga and Long, pp. 31-51

commission revealed that this was done without due regard to the chain of command and other formal operating procedures. The commission further illustrated that these trained officers were mandated to disrupt polling and ensure the government supporters prevailed where possible.[450] This is a clear indication that the current reforms have not adequately resolved all the issues that are likely to deter transparency, accountability and subsequently inclusivity in the country.

This argument was corroborated by respondents from various ethnic groups who demonstrated that the ongoing reforms for addressing lack of inclusivity and politicized ethnicity in Kenya have not been effective. Though some respondents, especially from Kikuyu and Kalenjin ethnic groups felt that the government has tried in curbing exclusion, most of the other respondents particularly from the Luo ethnic group observed that the current reforms for addressing exclusion and subsequently politicized ethnicity in the country have not been effective. This is summarized in Table 6.1 below:

Table 6.1: Effectiveness of existing reforms for curbing exclusion

Ethnic groups	How effective are the intervention measures for curbing exclusion			
	Very effective (%)	Somewhat effective (%)	Not very effective (%)	Not effective at all (%)
Luo	0	12	36	52
Maasai	4	32	48	16
Kikuyu	4	44	48	4
Kalenjin	4	48	32	16

Source: Field data, 2017

Table 6.1 above reveals that diverse ethnic groups in Kenya evaluate the prevailing reforms that have been put in place to address lack of inclusivity differently. This is for instance because, while 52 per cent of the Luo respondents observe that the intervention measures have

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[450] Akech, M. Abuse of Power and Corruption in Kenya: Will the New Constitution Enhance Government Accountability, *Indian Journal of Global Legal Studies*, Vol. 18, No. 1 (2011), pp. 341-394

not been effective in mitigating exclusion, only 4 per cent of the Kikuyu respondents felt the same. Furthermore, while 12 per cent of the Luo respondents observed that the intervention measures have been somewhat effective, 44 and 48 per cent of the Kikuyu and Kalenjin respondents respectively felt the same. However, there is a general agreement across the ethnic divide as illustrated in Table 6.1, that the intervention measures that have been initiated in the country to address exclusion have not been effective.

When NARC government came into power in 2003, it introduced free and compulsory primary education. As already demonstrated in this study, education is an important economic tool that is often used to enhance human well-being. Thus, the introduction of free and compulsory primary education has played a significant role in promoting human development especially among the previously excluded groups. This coupled with the requirement for ethnic balance when offering employment opportunities has provided the prospect to alleviate poverty among the marginalized groups in Kenya. The efficacy of education in promoting ethnic inclusivity was corroborated by 28 per cent of the respondents who observed that free primary education has played a significant role in mitigating ethnic based disparities. They pointed out that free primary education has equipped children from the previously marginalized ethno-regions with skills necessary to compete for opportunities at the national level, a development that alleviates frustrations.

However, free primary education came with a lot of challenges which included the dilution of the quality of education. The education standards were compromised due to a high number of children enrolled in school compared to the number of available teachers. The student-teacher ratio drastically increased with the hitherto marginalized ethno-regions being the most affected. Furthermore, despite the fact that the government claims that primary education is free, a number

of schools especially from the marginalized regions are forced to burden the parents to subsidize the government allocation so as to provide basic amenities such as classrooms and other teaching materials. These challenges continue to negatively affect children from the previously excluded ethno-regions, making them more vulnerable hence unable to attain the quality of education enjoyed by children from affluent areas.

The reforms on land that have so far been undertaken in Kenya have also played a significant role in mitigating politicized ethnicity and subsequently exclusion. These reforms were deemed necessary due to the power executive had over land. The president had power to allocate large farms to his cronies, thus fomenting exclusion of those who were outside the ruling elites. As a result, President Kibaki instituted the Ndung'u commission which was mandated to analyze the genesis of land related conflicts. [451] After a thorough inquiry, the Ndung'u commission recommended that executive should not have absolute control over land since this encouraged illegal allocation, subsequently fomenting frustrations and conflicts.

Consequently, a joint team from Kenya land alliance and Ministry of land drafted National Land Policy (NLP) that was based on principles of justice and equity, whose provisions have been incorporated in the 2010 Constitution. This has as a result denied the President the arbitrary power to allocate or confiscate land from citizens.[452] However, though there is land policy in place that guides all matters on land adjudication; politicians continue to politicize land issues making them extremely emotive especially during general elections. The politicization of land issues in Kenya has therefore played a critical role in fomenting exclusion and fueling conflicts.

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[451] Boone, C. Land Conflict and Distributive Politics in Kenya, *African Studies Review*, Vol. 55, No. 1 (April 2012), pp. 75-103

[452] Lyman, A. and Kew, D, An African Dilemma: Resolving Indigenous Conflicts in Kenya, *Georgetown Journal of International Affairs*, Vol. 11, No. 1 (2010), pp. 37-46

The other policy that has been initiated to promote inclusivity, thus easing politicized ethnicity in the country is the introduction of Constituency Development Fund (CDF). However, as pointed out by some respondents, though the objective of the CDF was to enhance participation of citizens in the initiation and implementation of projects at local level, this has not been the case due to political influence. This is in line with the argument put forward by Akech, who observes that the area Member of Parliament (MP) has been given a lot of power to control the CDF. The M.P has power to decide the kind of projects to be initiated, their location and how much to be spent. The MP also controls the Constituency Development Committee (CDC) and Constituency Fund Committee (CFC). This is because the CDC, which deliberates proposed projects and determines which one to be given priority, is constituted, convened and chaired by the MP. In addition, the CFC, which is an oversight body, is composed of legislatures, thus they are unable to punish themselves incase misallocations are noted. Consequently, the CDF has been mismanaged by MPs who sometimes directs resources to preferred regions or for his/her personal use.[453] This denies the local people the opportunity to participate in development projects as hitherto anticipated.

The equalization fund has been initiated to promote inclusivity and subsequently alleviate politicized ethnicity in the country. Under the devolved system of governance, counties are entitled to an equitable share of at least 15 per cent of national revenue. These resources are meant to address the local needs of various ethno-regions in the country. Furthermore, equalization fund has been made available for ethno-regions that have suffered exclusion before. This fund which ought to be provided for at least 20 years is meant to address ethno-regional disparities and subsequently promote inclusivity. The fund, which is 0.5 per cent of all the collected revenue by national government, is meant to provide services such as water, road,

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[453] Op cit, Akech, pp. 341-394

electricity and health care in the previously marginalized regions.[454] However, the widespread corruption in the country, as pointed out by some respondents, has given a leeway for the mismanagement of this fund. This allows few people to squander the money meant for development, hence maintaining the status quo which is characterized by regional disparities.

While demonstrating the ineffectiveness of the current intervention measures to address politicized ethnicity, one respondent pointed out that though the establishment of institutions like parliamentary committee on equality of opportunities and national cohesion was meant to promote inclusivity thus alleviate politicization of ethnicity, these committees have been politicized negatively affecting their operations. In addition, he asserted that the establishment of county governments and the deliberate distribution of some resources to disadvantaged regions in Kenya have to some extent promoted inclusivity due to equitable distribution of resources. Nevertheless, he argued that the county governments have created new avenues for exclusion of minorities at the county level.[455]

6.4. Institutional Reforms

A number of Institutional frameworks have also been put in place in attempt to take resources to all ethno-regions, subsequently alleviate politicization of ethnicity. The initiation of local authorities was one of the early reforms undertaken in order to devolve services to all regions in Kenya. At their conception, the local authorities had political power to elect their leaders such as majors and councilors who provided oversight. In addition, the local authorities had administrative and fiscal power to employ their staff and raise their own revenues respectively. However, with time these powers were ripped off, making them dependent on

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[454] Ibid, pp. 109-113
[455] Interview with a Commissioner, National Cohesion and Integration Commission (NCIC), 27th January 2017

Central government, a move that sabotaged their vision of developing local areas. For instance, the clerk who was the Chief Executive Officer (CEO) of the local authority was appointed by the Central government, thus could be transferred at any time. The weakened local authorities were thus unable to deliver services to the local level as anticipated, a development that propagated the status quo where the Central government was the main player in both political, economic and administrative spheres.

Khmelko and Wiegand observe that credible electoral process and well organized political parties with national outlook are cardinal in promoting inclusivity.[456] This is because weak electoral process and political parties encourages political elites to retreat back to their ethnic cocoons, hence exacerbating politicization of ethnicity. This in turn intensifies lack of inclusivity in the country which culminates into intermittent conflicts. Consequently, this has necessitated the enactment of various reforms in Kenya such as the establishment of an independent electoral body and the registration of political parties with national outlook. This observation was corroborated by 26 per cent of the respondents who asserted that the requirement for the formation of political parties with national outlook in Kenya is a major institutional reform that if fully implemented would mitigate politicized ethnicity.

The widespread violations of human rights by the government security forces as well as government sponsored militia during President Moi regime exacerbated exclusion in the country, subsequently culminating in the 2007/08 post-election violence. This necessitated the formation of Truth Justice and Reconciliation Commission (TJRC), which was mandated to document historical injustices and advice the government on the way forward. Though this commission carried out their duties efficiently and compiled a report which was presented to the executive,

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[456] Khmelko, I. and Wiegand, K.E, Government Repression in Ethnic Conflict: Institutional Incentives and Cultural Legacies, *International Journal on World Peace*, Vol. 27, No. (June 2010), pp. 7-34

their report has not yet been implemented. The need to implement the recommendations of this commission was underscored by 40 per cent of the respondents who pointed out that, the formation of TJRC was fundamental in reforming the political systems in the country. Therefore, they observed that there is a need to implement the TJRC report in order to promote inclusivity in the Kenyan society.

The other institutional reform that has been carried out in the country seeking to alleviate exclusion and subsequently politicized ethnicity is the judicial independence through the strengthening of Judicial Service Commission (JSC). The strengthened JSC helps to check and protect the autonomy of the judiciary from the interference by the executive. Thus, the JSC became the main body mandated to employ, promote and discipline senior judicial staff. For instance, in 2011 the JSC played a critical role in the appointment of the Chief Justice and his deputy, a move that helped in restoring confidence of many Kenyans with the institution. Furthermore, the establishment of an Independent Electoral and Boundaries Commission (IEBC) whose mandate is to determine constituency boundaries and manage elections has played a key role in enhancing transparency and accountability in electoral process.[457] However, though there is some level of transparency and accountability in the electoral management, politicians continue to interfere with this institution negatively affecting its independence.

One respondent observed that the various commissions of inquiries that have been established in Kenya have played a critical role in promoting inclusivity. He for instance pointed out that the Waki commission of 2008 that was established to investigate the post-election violence addressed some of the significant issues that contributed to the feelings of alienation and subsequently conflict. Thus, he argued that the recommendations of these commissions have

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[457] Harbeson, J.W, Land and the Quest for a Democratic State in Kenya: Bringing Citizens Back in, *African Studies Review*, Vol. 55, No. 1 (April 2012), pp. 15-30

been the foundation for political reforms that have so far been carried out in the country. Furthermore, he pointed out that the establishments of several other independent commissions which provide oversight to both national and county governments like the Commission for Revenue Allocation (CRA) has played a critical role in addressing inclusivity in the country.[458]

Energy sector reforms that have been instituted in Kenya have also played a significant role in addressing ethnic based exclusion. These reforms were deemed significant since many parts of the country remained unconnected to the electricity several years after independence, a development that appeared to worsen poverty levels in those regions. As articulated in vision 2030, a reliable power supply is cardinal in promoting economic growth of a country or region since it enhances the success of businesses while at the same time attracting investors. However, since independence, many parts of the country remained unconnected to the electricity largely because the generation, distribution and sale of electricity were monopolized by Kenya Power and Lightning Company (KPLC). This therefore made reforms so crucial so as to increase the number of players in this sector, with an ultimate intention of growing connectivity of electricity in the hitherto excluded regions.

The energy sector reform thus began with enactment of the electric power Act of 1997 which allowed the participation of Independent Power Producers (IPPs) in the sector. To achieve this objective, this Act separated the functions of generation from those of transmission and distribution. Consequently, Kenya Electricity Generating Company (KENGEN) and Electricity Regulatory Board (ERB) were established to enhance effectiveness and efficiency of the sector. Later, the 2006 Energy Act transferred all functions of ERB to Energy Regulatory Commission (ERC) and also established rural electrification program. This program has since promoted subsidized electrification in rural areas, a development that has encouraged the growth of small

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[458] Interview with Senior Security officer, 8th February 2017

scale industries hence reducing poverty in marginalized regions.[459] Subsequently, this played a significant role in promoting inclusivity in the country by alleviating regional disparities.

Politicized ethnicity, due to the prevailing lack of inclusivity, has culminated in the endemic corruption in the Kenyan society. This compelled the government to establish the Kenya Anti-Corruption Commission (KACC), currently the Ethics and Anti-Corruption Commission (EACC), and later enacted the anti-corruption and economic crimes act. These reforms were expected to curb corruption and subsequently enable all citizens enjoy their right to participate in government as argued by Mbondenyi. However, despite these reforms, there has been lack of political goodwill to fight corruption as demonstrated by 30 per cent of the respondents, a move that continues to negatively affect efforts towards inclusivity in the Kenyan society to date.

Lack of political goodwill is for instance illustrated by the failure to prosecute the culprits who are involved in corruption, a development that poses challenges in the fight against this vice. Nevertheless, the tendency to name and shame individuals who are involved in corruption scandals and the recovery of the stolen money from these persons has played a vital role in at least minimizing corruption. Githinji and Holmquist for instance point out that the recovery of stolen money through the Asset Recovery Agency (ARA) has been a step in the right direction in the fight against corruption. The ARA, which was established under the proceeds of Crime and Anti-Money Laundering Act of 2009, has been vital in recovering billions of tax payer's money swindled through corruption, a development that to some extent discourages people from engaging in corrupt activities.[460] However, the fight against corruption in Kenya remains largely

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[459] Owino, T and Morton, T, The Impact of Energy Sector Reforms on Clean Development Mechanism Renewable Energy Projects in Kenya, *Carbon and Climate Law Review*, Vol. 4, No. 4 (2010), pp. 345-350

[460] Githinji, M, and Holmquist, F, Reform and Political Impunity in Kenya: Transparency Without Accountability, *African Studies Review*, Vol. 55, No. 1 (April 2012), pp. 53-74

unsuccessful due to lack of political goodwill and the complex nature of cartels involved in corruption. This in turn promotes lack of inclusivity, a development that political elites capitalize on to politicize ethnicity which results into conflicts.

6.5. What obstruct inclusivity
"To set up a state is easy, but to create a nation is extremely difficult"

Murat Belge

The various reforms that have been undertaken in Kenya since 1990s were aimed at augmenting nationhood through inclusivity. However as Belge observes, this process has been extremely difficult. This is due to a number of challenges that have hindered the efforts towards an inclusive Kenyan society. One respondent for instance highlighted that lack of political goodwill to de-ethnicize politics, lack of patriotism among most citizens and a docile middle class are some of the challenges which deter inclusivity and subsequently nationalism in the country. He observed that though most revolutions are engineered by a vibrant middle class, in Kenya this class is so docile to bring any paradigm shift in the society.[461] Conversely, another respondent observed that lack of adequate legislation to curb exclusion, corruption, stereotyping and different cultural values and beliefs continue to hinder efforts meant to address ethnic based politics in Kenya.[462]

Similarly, Odhiambo argues that the mindsets that have perpetuated politicized ethnicity and lack of inclusivity since independence have been deeply entrenched among many policy makers. Therefore, he points out that a good policy or institutional reforms alone are unlikely to bring the expected changes. These mindsets which in most cases are inspired by stereotyping,

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[461] Interview with an International Relations Scholar, USIU, 10th February 2017
[462] Interview with Senior Security Officer, 7th February 2017

corruption, ethnic politics and cultural values and beliefs as pointed out by the two respondents continue to perpetuate ethnic based exclusion. In addition, Odhiambo points out that lack of capacity among many citizens to engage and drive the process of self-determination is likely to impede the efforts to create inclusive society.[463] Thus, poor mindset and lack of capacity among many citizens are some of the factors that create a favorable environment that propagate politicized ethnicity in the Kenyan society to date.

In addition, Akech observes that institutional weaknesses have exacerbated lack of inclusivity in the country. He asserts that the institutions that are mandated to promote inclusivity in Kenya are weak and lack powers to investigates, prosecute and punish offenders. This argument was underscored by most respondents who pointed out that, weak institutions of governance and poor implementation of laws that regulates vices such as corruption and promotes integrity in leadership, have contributed to lack of inclusivity in the Kenyan society. They observed that despite some progressive laws being in place to address politicized ethnicity, corruption, weak institutions and lack of implementation of laws already in place have given a leeway for manipulation of ethnic identities by political elites for personal interests, a situation that has heightened negative ethnicity and subsequently lack of inclusivity in the Kenyan society.

Other challenges that were considered key in delaying inclusivity in Kenyan society includes lack of political goodwill, tribal politics, improper use of the media which many respondents maintained that it is sometimes used to spread propaganda, and inadequate resources in the country which fuels ethnic based competition for the limited resources. For instance, 27 per cent of the respondents considered lack of political goodwill as the main challenge hindering efforts to address ethnic based exclusion, while 30 per cent argued that tribal politics is the main driver of lack of inclusivity in the country. These challenges not only promote politicized

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[463] Op cit, Odhiambo, pp. 1-5

ethnicity, but also leave the society vulnerable to conflicts even under the slightest provocation. This is because lack of inclusivity presents a good opportunity for political elites to spread propaganda through politicized ethnicity. This in turn leads to ethnic mobilization and manipulation and subsequently conflicts, as advanced by the theory of Instrumentalist which forms the foundation of this study.

6.6. Reversing politicized ethnicity in Kenya

To effectively deal with the problem of politicized ethnicity in the country, one respondent observed that patriotism should be cultivated among citizens by creating awareness on the need to conduct political mobilization based on policy as opposed to ethnicity. He further highlighted the need to create forums where diverse ethnic groups can learn each other's cultures, since this would play a significant role in reducing inter-group tensions. Furthermore, he outlined that there is a need to strengthen NCIC to have offices in every county while at the same time address people's grievances especially by implementing the Truth Justice and Reconciliation Commission (TJRC) report. He observed that this would be significant in building confidence which is vital in promoting political inclusivity among diverse ethnic groups. Finally, he pointed out that counties should be strengthened by allocating them more resources, giving them more powers to manage their affairs but at the same time improving accountability.[464]

Similarly, Cammett and Malesky point out that good governance is important in alleviating politicized ethnicity since it addresses human needs of various groups of people and possible desperation, as a result increasing citizen satisfaction. Good governance encourages economic development across all regions in a country, promotes efficient and effective service

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[464] Interview with the Director, Center for Sustainable Conflict Resolution, Non-Governmental Organization (NGO), 3rd February 2017

delivery to all citizens, mitigates corruption and enhances effective bureaucracy. Consequently, such a situation builds citizen's confidence with the state hence alleviating possible conflicts. Good governance anchored in the rule of law and stable institutions therefore promotes broad inclusion of different actors and creates durable political coalitions which promotes peaceful coexistence.[465] Thus, this study argues that good governance addresses individual and communal needs, and supports effective and efficient service delivery, as a result nurturing inclusivity among various identity groups. This also alleviates the buildup of tensions and inter-group conflicts due to the influence of political elites as observed by the theory of Instrumentalist, which asserts that conflict becomes inevitable when political elites mobilize people, especially those whose needs have not been met compared to other groups.

This argument was corroborated by 45 per cent of the respondents who underscored the efficacy of good governance in enhancing inclusivity. They asserted that good leadership that fights corruption and promote unity forums is vital in eradicating exclusion. This is because corruption allows a few individuals to misdirect resources for their own personal use at the expense of the public interest. Furthermore, these respondents argued that enhancing civic education on national cohesion and integration, while at the same time encouraging ethnic inter-marriages would be pertinent in fighting negative ethnicity and subsequently politicized ethnicity.

This study identifies politicized ethnicity as a variable that contributes to persistent conflicts in Africa and Kenya in particular. It demonstrates that if politicized ethnicity is adequately addressed, there would be enhanced national development, improved governance and ultimately fewer conflicts. The study further points out that politicized ethnicity is both a

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[465] Cammett, M, and Malesky, E, Power Sharing in Post-conflict Societies: Implications for Peace and Governance, *The Journal of Conflict Resolution*, Vol. 56, No. 6 (December, 2012), pp. 982-1016

symptom and a consequence of poor governance. Thus to address this vice, there is a need to promote good governance. Based on the lacuna identified from the review of the theoretical literature, [466] this study analyses good governance from three perspectives: First, good governance should involve strong institutions which are not only able to hold leaders accountable, but are also able to punish impunity. Institutions of governance such as Judiciary, Directorate of Public Prosecution (DPP), Ethics and Anti Corruption Commission (EACC) that fights corruption, National Police Service (NPS) and Independent Electoral and Boundaries Commission (IEBC) which manages elections among others should be strengthened to work independently without undue influence from the political elites. Strong institutions would hold political elites accountable for their ethnic manipulations and mobilizations, a development that would deter them from politicizing ethnicity. In addition, other institutions such as NCIC, TJRC and others that promote peaceful co-existence in the society must be strengthened.

Besides strengthening institutions, good governance should underscore the need to promote ideology based politics as opposed to ethnic based politics, in other words to de-ethnicize politics as hitherto demonstrated. This can be done by strengthening the party systems and requiring all political parties to represent the face of Kenya before being registered. Demonstrating the face of Kenya here means having representatives from at least most of the ethnic groups in the country. Such a move would ensure that most political parties would be national in character and would play a significant role in promoting national cohesion in the country. In addition, there is a need to make 'tribe' irrelevant when distributing resources by promoting equity in resource distribution including political power. This would make political elites who attempt to politicize ethnicity to become irrelevant in Kenyan politics.

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[466] See Chapter one, pp. 27-31

The third aspect of good governance this study underscores is the need to have competent and morally upright leaders in office. The Kenyan politics is today flooded by morally bankrupt leaders who seek their economic and political interest at the expense of the needs of citizens. Competent and morally upright leaders would play a critical role in enhancing professionalism, integrity and stewardship in their leadership, a development that would be so vital in enhancing good governance. This would be achieved by punishing morally bankrupt and incompetent leaders. Nonetheless, as long as the system glorifies political criminality as is currently the case in Kenya, politicized ethnicity and conflict will continue to burgeon.

The NCIC report on ethnic and diversity audit of the County Public Service also underscores the need for both County and National governments to create forums where people from different ethnic groups meet and learn other people's way of life so as to eliminate stereotypes among diverse ethnic groups.[467] Furthermore, the report also advocates that the use of local languages should be banned from public places so as to improve the working environments in both County and National level. The use of national languages even at the county level is critical in fomenting nationalism as opposed to regionalism. This is because local languages often alienate the staff members who are unable to understand the dominant language spoken in the county, as a result creating a feeling of "us versus them" which widens ethnic differences.

The need to strengthen NCIC as a way of promoting inclusivity was underscored by many respondent. One respondent for instance observed that there is a need to include National Cohesion in the Kenyan curriculum and inculcate the values of appreciating diversity and

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[467] NCIC, *Ethnic and Diversity Audit of the County Public Service*, Vol. 1, No. 2 (2015), p.1-12

tolerance from an early age.[468] This was corroborated by another respondent who argued that NCIC should be given more funding to enhance its operations. He further observed that NCIC Act of 2008 should be reviewed to have penalties imposed on those who promote discrimination on the basis of ethnicity, and also to broaden the definition of hate speech to include stereotyping and incitement to violence. Finally, he pointed out that there is a need to have NCIC and other institutions fighting politicization of ethnicity and exclusion anchored in the Constitution.[469] He asserted that when these institutions are in the constitution, they would carry out their duties effectively and efficiently without any fear of political retribution.

Furthermore, this study argues that since representation of diversity is one of the principles of public service that are paramount in promoting national cohesion, the Kenya School of Government (KSG) and Kenya Institute of Curriculum Development (KICD) should underline inclusivity and nationalism in their curriculum. These two institutions, which play a vital role in training public servants and developing curriculum respectively, are well placed in not only inculcating the utility of inclusivity among public servants, but also designing curriculum for all levels, that is, from primary to college level that underscores national cohesion. Furthermore, KSG should design a course on legal requirements for inclusion during recruitment that targets senior managers who often participate in employing new members of staff.

The study also reveals that political goodwill among leaders is critical in eradicating ethnic based politics in the country. This was for instance corroborated by one respondent who argued that there is a need to instill political goodwill among leaders since this is paramount in addressing politicized ethnicity.[470] His sentiments were validated by another respondent who observed that lack of political goodwill is the main challenge fueling negative ethnicity and later

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[468] Interview with a Senior Security officer, 7th February 2017
[469] Interview with a Commissioner, National Cohesion and Integration Commission, 27th January 2017
[470] Interview with an International Relations Scholar, USIU, 10th February 2017

politicized ethnicity in the country. He thus observed that those who engage in acts or rhetoric that promotes ethnic based politics, especially politicians should be punished. Furthermore, he highlighted the need to enhance education for all by giving everybody an equal opportunity for education and other rights.[471] This is because educated people are not as vulnerable as illiterate when it comes to political manipulation.

Cunningham and Weidmann on the other hand consider accommodation a veritable strategy of promoting inclusivity and subsequently alleviating politicized ethnicity in societies. They assert that accommodation of the hitherto excluded groups, where resources are deliberately channeled to, at the cost of other regions promotes service delivery and socio-economic growth in these ethno-regions. Consequently, this eliminates the sense of alienation among the previously excluded groups. Cunningham and Weidmann further contend that in accommodation, though the affected group pays the least, they receive the highest benefits of the public goods/services.[472] Accommodation may for instance be regional specific where public goods and services are directed, like construction of new schools, water projects, health facilities or any other development projects that might be directed to certain ethno-regions which are most affected by exclusion.

However, since the cost of accommodation is largely borne by ethnic groups that are least advantaged or not at all advantaged by this strategy, they are likely to oppose it. This is because the accommodation of one group creates a sense of relative deprivation to others who are not accommodated and yet they are the biggest funders of these projects. This in turn creates dissent and alienation of the formerly advantaged groups, a situation that often stoke rebellion from the group that does not benefit from such programs.

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[471] Interview with a Lecturer, Institute of Diplomacy and International Studies, (IDIS), 17th February 2017
[472] Cunningham, K.G and Weidmann, N.B, Shared Space: Ethnic Groups, State Accommodation, and Localized Conflict, *International Studies Quarterly*, Vol. 54, No. 4 (December, 2010), pp. 1035-1054

Related to the idea of accommodation, some respondents felt that the government should ensure there is equitable representation of all ethnic groups in both the national and county governments. They asserted that the government needs to focus on the marginalized communities by empowering them economically through the creation of Small Micro-Enterprises (SMEs) and ensuring that such ethnic groups are well represented in all major decision making forums by the government. Other respondents pointed out that to effectively address politicized ethnicity and lack of inclusivity in the country, there is a need to have fair employment patterns and where possible have an affirmative action where the formerly excluded ethnic groups are given an upper hand when there are employment opportunities.

However, even though such strategies have been tried in Kenya, there are still challenges since the hitherto excluded groups sometimes lack the necessary skills to take up some posts even when there are opportunities. Furthermore, the persistent corruption during employment has interfered with these strategies since those who give bribes often gets jobs sometimes with little regard to ethnic balance. Politics also undermines the strategies of affirmative action in employment as those with political connections frequently get jobs sometimes even without the pre-requisite skills for the post. Thus, since politics plays a critical role in influencing employment patterns, there is a need to insulate public establishments from political interference, while at the same time enhancing transparency in the recruitment, training and promotions of staff. This would play a significant role in alleviating frustrations among the excluded group, a move that helps in cementing national cohesion.

In addition, inclusivity in the Kenyan society would remarkably be enhanced by banning tribal groupings and instead encouraging nationhood through associations which represents the face of Kenya. The cultivation of nationhood would be imperative in alleviating negative

ethnicity, which is a major concern in Kenya today. The proscription of tribal associations whether in form of political parties, religious evangelistic groups or labour movements while at the same time encouraging the formation of groups with national outlook would not only promote patriotism but also inclusive politics in the country.

Other respondents pointed out that to promote inclusive politics, the President should not identify himself with any ethnic group since he is the symbol of national unity. They also argued that individuals from ethno-regions most affected by exclusion should be incorporated in the committees of resource distribution to ensure the needs of their regions are addressed efficiently and effectively. They further reiterated the need to have a commission that gives direction on which area to get what specific projects based on the need, and not at the discretion of political class. They asserted that the same commission should also conduct assessment across the counties to ensure that the proposed development projects have been implemented to the later.[473]

40 per cent of the respondents reiterated that, to support inclusive politics in the country, the 2010 Constitution should be implemented fully to enhance devolution that promotes resource allocation to all regions in the country. Some of these respondents further asserted that fair, just, transparent and accountable electoral process and accountability in other institutions especially those that serve justice are significant for enhancing inclusive politics. This is because when everybody trusts the institutions that promote justice, transparency and national cohesion, inclusive politics becomes inevitable since political elites would be forced to have issue based politics. Finally, there is a need to amend the 2010 Constitution with an intention of broadening the executive so as to accommodate more ethnic groups whose representatives lose in the elections especially the presidential elections.

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[473] Interview with a Senior Security Officer, 8th February 2017

6.7. Chapter Summary

This chapter has analyzed the measures that have so far been put in place in attempt to combat politicized ethnicity in Kenya. Though the chapter does not purport to have examined all the reforms that have been undertaken in the country, the cases analyzed here demonstrates that there is still a lot to be done to achieve inclusive politics in the country. The analysis focused on three categories of reforms: legal, policy and institutional reforms that have so far been undertaken in Kenya with an aim of promoting inclusive politics. Furthermore, the chapter has outlined the challenges that sabotage the efforts to inclusivity and has subsequently proposed what needs to be done to overcome these challenges and ensure inclusivity in the country.

Specifically, some of the legal reforms that have been analyzed in this chapter include the repeal of section 2(A) of the Constitution that introduced political pluralism in 1991, hence opening up political space that was hitherto dominated by a few individuals from certain ethnic groups in the ruling party, the promulgation of the new constitution which promotes devolution and affirmative action among other provisions, enactment of various Acts of Parliament such as, Public Procurement and Disposal Act of 2005, NCI Act of 2008 and the County Government Act of 2012. Furthermore, some of the policy reforms analyzed include the requirement for political parties to have a national outlook and the growth of civil society organizations that continue to advocate for good governance and inclusivity. Other policy reforms that have been instituted in the country include the IPPG reforms, reforms promoting media freedom, adoption of Kenya vision 2030, policy on ASAL, formation of TJRC, energy sector reforms, free and compulsory primary education, land reforms through the National Land Policy and the establishment of the equalization fund.

Finally, some institutional reforms have also been analyzed in this study which includes: establishment of EACC to fight corruption, strengthening of Judiciary, establishment of IEBC,

TJRC, CRA and ARA. Despite all these reforms that have been focused on eliminating or at least reducing politicized ethnicity, lack of political goodwill, lack of patriotism among many Kenyans, negative ethnicity, institutional weaknesses, tribal politics and improper use of the media continue to sabotage their effectiveness. Consequently, this study argues that there is need to review the NCI Act to have penalties imposed on those who promote discrimination on the basis of ethnicity, include national cohesion in the curriculum, implement TJRC report, widen the executive to accommodate more ethnic representatives and where possible create forums where diverse ethnic groups meet and learn other people's culture. The next chapter presents the summary of the field data and analysis.

CHAPTER SEVEN

DATA PRESENTATION AND

ANALYSIS

7.1 Introduction

This chapter discusses the primary data obtained from the field research. The data is presented thematically using descriptive statistics such as percentages and mean, in form of pie chart, bar graphs and other diagrams, with an intention to demonstrate the nature and trends of politicized ethnicity and how it leads to conflicts in Kenya. The field data has been collated, analyzed and presented so as to answer the research questions and to test the hypotheses. Responses from the open-ended questions are also presented in this chapter in prose form. By and large, this chapter presents mainly primary data in order to advance the argument already underscored by the secondary data.

7.2. Description of the Sample

The sample for this study included 100 respondents who were served with questionnaires so as to capture their views. The respondents, who are ordinary citizens, represented the four targeted ethnic groups namely: Kikuyu, Kalenjin, Luo and Maasai, each having 25 respondents. The Luo and Maasai respondents represented the excluded group, while Kikuyu and Kalenjin represented the privileged. These two groups were pertinent so as to show the nature of politicized ethnicity existing among them and consequently the role it plays on conflicts. In addition, 20 people who were considered to have special knowledge on politicized ethnicity, exclusion and conflicts were interviewed regardless of their ethnic affiliation. These included commissioners at the National

Cohesion and Integration commission, people working in security sector, civil society employees and scholars in the related field.

7.3. Demographic Characteristics

This section highlights the demographic characteristics of the sampled population, particularly those who participated in filling the questionnaires. Some of the demographic characteristics that were considered pertinent in understanding politicized ethnicity, exclusion and conflicts in Africa and Kenya in particular include gender, age, level of education and ethnic affiliation. These characteristics were critical in the analysis since they helped in understanding politicized ethnicity and conflict from different perspectives, that is, different gender, age brackets, level of education and ethnic affiliation.

7.3.1. Distribution of Respondents by Gender

The collected and collated data demonstrates that the respondents who participated in the filling of the questionnaires were fairly balanced between the male and female at 54 per cent and 46 per cent respectively as shown in the pie chart below. The disparity between the two genders was only 8 per cent. This illustrates that the data obtained from the field represents the opinions from both gender. Gender was thought to be important since different genders are affected differently by politicized ethnicity and conflicts.

Figure 7.1: Percentage of the respondents in terms of gender
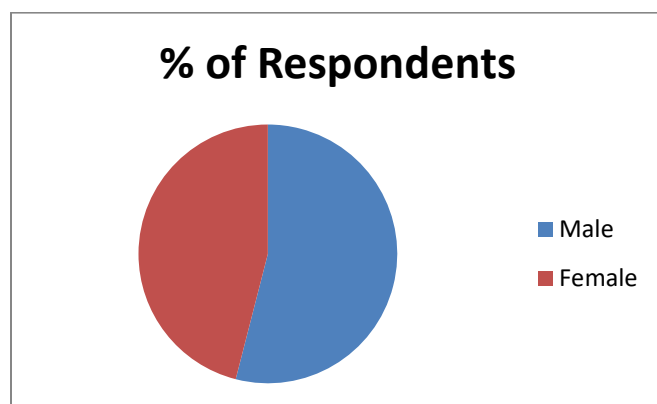
Source, Field data, 2017

7.3.2. Distribution by Age

The distribution of the age of the respondents was grouped into cohorts as shown in Table 7.1 below. This table demonstrates that the cohort "below 30 years" was the modal age at 41 per cent, followed by cohort "31-40 years" at 31 per cent. Cohort "41-50 years", "51-60 years" and above 60 years were at 16, 9 and 4 per cent respectively. Generally, as indicated in table 7.1, distribution by age cohorts depicts that the respondents were fairly spread in order to capture the opinions of most age groups. This was significant in ensuring meaningful analysis since different age groups participate differently in politicized ethnicity. The other demographic characteristics considered in this study was the level of education of the respondents as illustrated in the next section.

Table 7.1: Distribution of respondents by Age

| Ethnic group | Number of respondents per age cohorts | | | | | |
	Below 30 yrs	31-40 yrs	41-50 yrs	51-60 yrs	Above 60 yrs	Total
Maasai	12	6	4	2	1	25
Luo	11	8	4	2	0	25
Kikuyu	10	7	3	3	2	25
Kalenjin	8	9	5	2	1	25
Total	41	30	16	9	4	100

Source: Field data, 2017

7.3.3. Distribution of Respondents by the Level of Education

The distribution of the respondents from the four ethnic groups by their level of education is as illustrated in Table 7.2 below. This table depicts that 27 per cent of the respondents had secondary education while 30 and 32 per cent had diploma and university education respectively. This means that most respondents had some appropriate level of education necessary to understand the concept of politicized ethnicity and conflict. This illustrates that the data given in this study represents the true picture or opinions of the respondents since they were well conversant with the questions. This is further underscored by the fact that only 1 per cent of the respondents had no formal education, while 10 per cent had primary education. The level of education was considered pertinent since people with different levels of education are expected to conceptualize politicized ethnicity and conflict differently.

Table 7.2: Respondents by Level of education

Level of education	Ethnic identity of the respondents				
	Maasai	Luo	Kikuyu	Kalenjin	Total (%)
None	1	0	0	0	1
Primary	3	1	4	2	10
Secondary	7	5	7	8	27
Diploma	6	9	6	9	30
University	8	10	8	6	32
Total	25	25	25	25	100

Source: Field data, 2017

7.3.4. Distribution of Respondents by Ethnic Affiliation

As hitherto demonstrated, this study categorized the respondents into four ethnic groups with each group filling 25 questionnaires. Kikuyu and Kalenjin ethnic groups were considered the reference group since they are the only two ethnic groups that have produced President in Kenya since independence. Conversely, Luo was considered marginalized group since this ethno-region

has been in opposition for many years, while Maasai has even been documented as marginalized by the Truth, Justice and Reconciliation Commission.[474] The representatives from the seemingly two political divides were considered critical in understanding politicized ethnicity and subsequently how this affects conflicts in the country.

An analysis of the respondents' demographic characteristics discussed in this section vis-à-vis their perceptions on politicized ethnicity, exclusion and conflicts, depicts that only ethnic affiliation had the most significant impact on their opinions. This demonstrates the extent to which politicized ethnicity has shaped people's perceptions on political inclusivity or exclusivity in the country. This study therefore depicts that the demographic characteristics including age, gender and the level of education have not remarkably altered the perceptions of the respondents on exclusion and conflicts in the country.

As already stated, the purpose of this study was to assess the nature and the role played by politicized ethnicity on African conflicts, examine and analyze the nexus between politicized ethnicity, governance and conflict in Kenya, critically investigate how politicized ethnicity affects resource distribution and subsequently conflicts in Kenya, explore the effects of politicized ethnicity on human right violations in Kenya and finally evaluate and analyze the legal, policy and institutional framework for addressing politicized ethnicity. The next section therefore underscores this purpose.

7.4. Politicized ethnicity and African conflicts

Based on the first objective of this study, which was to assess the nature and the role played by politicized ethnicity on African conflicts, the respondents were asked to give their opinions on how politicized ethnicity shapes conflicts and the following highlights the major

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[474] See Chapter one, pp. 34

findings. Most respondents (65 per cent) observed that politicized ethnicity affects the patterns of resource distribution and inter-ethnic politics, a development that heightens suspicion and subsequently conflicts between ethnic groups. They argued that bitterness intensifies between ethnic groups when social, economic and political resources are inequitably distributed or are perceived to be inequitably distributed. This underscores Mueller's argument which observes that rebellion is likely when people are denied their political, economic and social rights.[475] This study generally reveals that inequitable distribution of resources or perceptions of unequal distribution of resources due to politicization of ethnicity has fomented ethnic conflicts in various parts of the continent.

These respondents further argued that politicized ethnicity encourages lack of inclusivity or perceptions of lack of inclusivity which promotes disunity among diverse ethnic groups in Africa. Disunity emanate from the envy fueled by exclusion and/or perceptions of exclusion, a development that encourages the growth of hate speech which act as the precursor for conflicts. Some of these respondents particularly pointed out that Rwanda and Burundi are examples of the countries where envy and hate speech polarized the society, thus provoking unprecedented levels of conflicts. Thus, this study demonstrates that politicized ethnicity promotes exclusion and/or perceptions of exclusion which hinders good governance, leading to conflicts. This depicts that politicized ethnicity is a symptom of poor governance and obvious instability in the country.[476]

A few respondents asserted that politicized ethnicity promotes tribalism, nepotism and high levels of corruption. Such environment as pointed out by these respondents heightens grievances especially among the excluded, a development that compels them to vent out their grievances through unconstitutional means. This is because when the excluded group feels that

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[475] Mueller, M.L, PhD Dissertation, *Beyond Ethnicity: African Protests in an Age of Inequality*, University of California (2014) pp. 1-20

[476] See Chapter two, pp. 46-50

they are unlikely to get justice through the legal channels as already demonstrated in this study, they often results into violence. Poku underscores this argument by pointing out that corruption and mismanagement of public resources foments ethnic exclusion and subsequently conflicts.[477]

Other respondents (22 per cent) observed that politicized ethnicity promotes stereotypes and biases that encourage members of particular ethnic groups to hold other ethnic groups in contempt. This subsequently degenerates into suspicion and ethnic tensions, a development that creates structural violence which stokes physical conflicts when other factors which favour rebellion as pointed out by Hendrix are present.[478] In such an environment, some disgruntled groups feel unappreciated and as a result rebel against the established system. The affected group distrusts the group they consider responsible for their predicaments, thus creating ethnic cleavages which negatively affect peace and national unity.

One respondent argued from the perspective of realism, pointing out that human beings are selfish in nature. Hence, whenever there is exclusion or perceptions of exclusion, the affected group would strive to change the status quo while the advantaged group would seek to maintain the status quo. This inter-group confrontation coupled with the selfish nature of human beings as argued by the theory of realism culminates into conflicts. This respondent thus pointed out that politicized ethnicity results into conflicts not because of the existing exclusive systems, but due to the selfish human nature.

This study therefore argues that politicized ethnicity culminates into exclusion and/or perceptions of exclusion which creates favourable conditions for conflicts. The study further demonstrates that politicized ethnicity is both a symptom and a consequence of poor governance.

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[477] See Chapter two, p. 48
[478] See Chapter two, p.66

7.5. Politicized ethnicity and governance in Kenya

In line with the second objective of this study which seeks to examine the nexus between politicized ethnicity, governance and conflict in Kenya, respondents were asked to discuss the effects of politicized ethnicity on exclusion and the vice versa. Most respondents (52 per cent) pointed out that lack of inclusivity has promoted ethnic based politics where most politicians project themselves as ethnic defenders. As a result, they asserted that these politicians sometimes use derogatory language as they project themselves to be fearless leaders who are willing to die for their co-ethnic, a move that makes them gain a lot of popularity among their kins. This has negatively affected the process of nation building, cohesion and governance in the country.

Other respondents observed that politicized ethnicity exacerbates poverty, ignorance and diseases among some ethnic groups. Consequently, they argued that this hinders issue based politics since politicians take advantage of the high poverty incidence, the prevailing ignorance and diseases to promote the "politics of belly". Politicians use the prevailing conditions to seek political mileage by giving handouts, a move that sabotages development of these ethno-regions therefore creating favourable conditions for conflicts. In a nut shell, these respondents argued that politicized ethnicity leads to lack of inclusivity and the vice versa, thus heightening poverty in some ethno-regions which allows politicians to easily use the carrot and stick to seek political support.

Some respondents argued that politicized ethnicity has promoted marginalization and politics of rebellion in the country where opposition parties without clear ideology have emerged especially within the disadvantaged ethno-regions. These parties, whose aim is to topple the incumbent leader, sometimes works with civil society organizations and other human rights groups, thus raising political temperatures in the country. One of these respondents argued that given an opportunity, the opposition is likely to collaborate with militia group with an intention

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of forcefully taking power. He further observed that the political leaders of the opposition parties often incites their co-ethnics especially the youth to rise against the ruling party, a development that promotes ethnic based skirmishes. He argued that ethnic based exclusion fans animosity and envy, therefore fueling supremacy battle as each political divide fights to gain power since the 'winner takes all'.

Furthermore, 28 percent of the respondents asserted that ethnic based exclusion intensifies negative ethnicity and subsequently tribal politics. They argued that politicians take advantage of the prevailing ethno-regional disparities to promote negative ethnicity and subsequently tribal politics in Kenya by projecting the group in power to be the cause of the suffering of the excluded group. The politicians, especially from the opposition, have created a perception of a common 'enemy': those in power, which other ethnic group should fight. Consequently, this has led to political conflicts where supporters of different candidates fight each other especially during electioneering period.

One respondent while underscoring the effects of ethnic based exclusion on politics argued that people are likely to vote a morally bankrupt politician into office simply because he is one of their own. This promotes poor leadership and subsequently poor governance at the local and national level, a development that in turn creates favourable environment for conflicts. He also pointed out that lack of inclusivity leads to ethnic balkanization, a situation that promotes political intolerance, mistrust and later skirmishes. While demonstrating the effect of ethnic based exclusion on governance, he asserted that lack of inclusivity encourages voter apathy, a move that negatively affects the democratic rights of some citizens.

As observed by some respondents, lack of inclusivity leads to the formation of ethnic based parties and coalitions with no ideology but keen to take power. This subsequently

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promotes ethnic bloc voting, thus denying some individuals, especially those with different political persuasion, their right to support a political party or a candidate of their choice. These respondent further argued that ethnic bloc voting often lock out potential and development minded leaders who have a different political alignment from the one held by the majority of their co-ethnics.

In addition, some respondents asserted that ethnic based exclusion negatively affects politics by resulting into poor representation of some sections of the population at the national government. This stifles democracy and fragments the country politically since the interests of the poorly represented people are unlikely to be addressed by the government as there is no one to advance these interests in the decision making processes. The underrepresentation of some ethnic groups in decision making at the national level not only stifles democracy, but also precipitates future chaos by heightening the sense of deprivation.

Conversely, politics plays a significant role in promoting ethnic based exclusion and poor governance. For instance, some respondents argued that politics often justifies exclusion by spreading propaganda that demonstrates the level of inclusivity in the society as appropriate even when there is widespread exclusion. Politics also plays a key role in creating or exaggerating lack of inclusivity in the society. One respondent particularly observed that politics creates perceptions of ethnic exclusion even where there is no exclusion, pointing Kenya as a good example. He underscored that Kenyan politics has fueled the perceptions of non-existent exclusion, causing unnecessary tensions. For instance, politics has projected ethnic groups such as Luo as marginalized as demonstrated in figure 7.2 below simply because they have been opposition stronghold. However, a critical analysis of employment patterns in various public

institutions and parastatals as already demonstrated in this study shows that this ethnic group is instead overrepresented in terms of employment and other resources.

Figure 7.2: Perceptions among Kenyan citizens on extent of exclusion
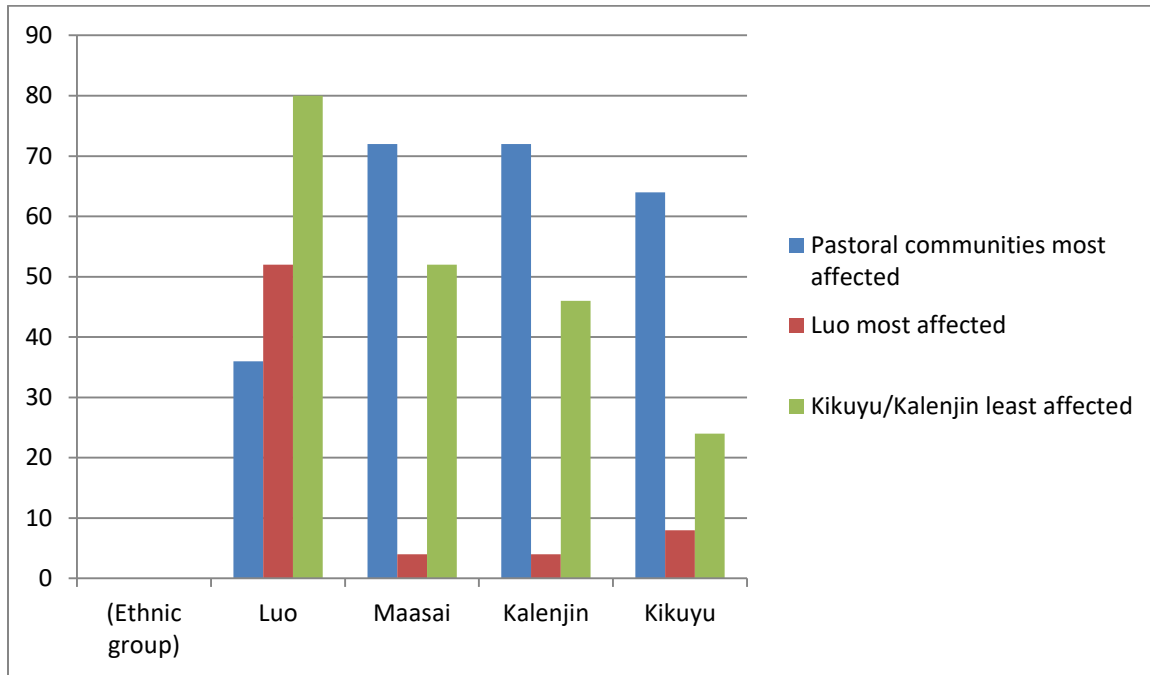
Figure 7.2 demonstrates that politicized ethnicity in Kenya has created different perceptions of exclusion among diverse ethnic group as already discussed in this study. While 52 per cent of the Luo respondents considered themselves as marginalized, only 4 per cent of Maasai and Kalenjin respectively and 8 per cent of Kikuyu respondents considered them as marginalized. In addition, while most respondents considered Kikuyu/Kalenjin as the least affected by exclusion, only 24 per cent of Kikuyu considered themselves as least affected by exclusion. Furthermore, while there was some level of consensus that pastoral communities such as Maasai, Samburu and Turkana are the most affected by lack of inclusivity; their extent of conviction differed remarkably. 36 per cent of the Luo respondents identified pastoral

communities as most affected by exclusion compared to 72 per cent of Maasai and Kalenjin respectively and 64 per cent of Kikuyu respondents.

In addition, as depicted by the field data in figure 7.3, politicized ethnicity has created perceptions on the role the government has played in promoting exclusion. This kind of politics has further shaped the perceptions of the citizens on the commitment of the government to address exclusion. While some ethnic groups feel that the government has done nothing, others feel that the government has done a lot to address lack of inclusivity in Kenya. Figure 7.3 below underscores this argument.

Figure 7.3: Perceptions on government's effort to address exclusion
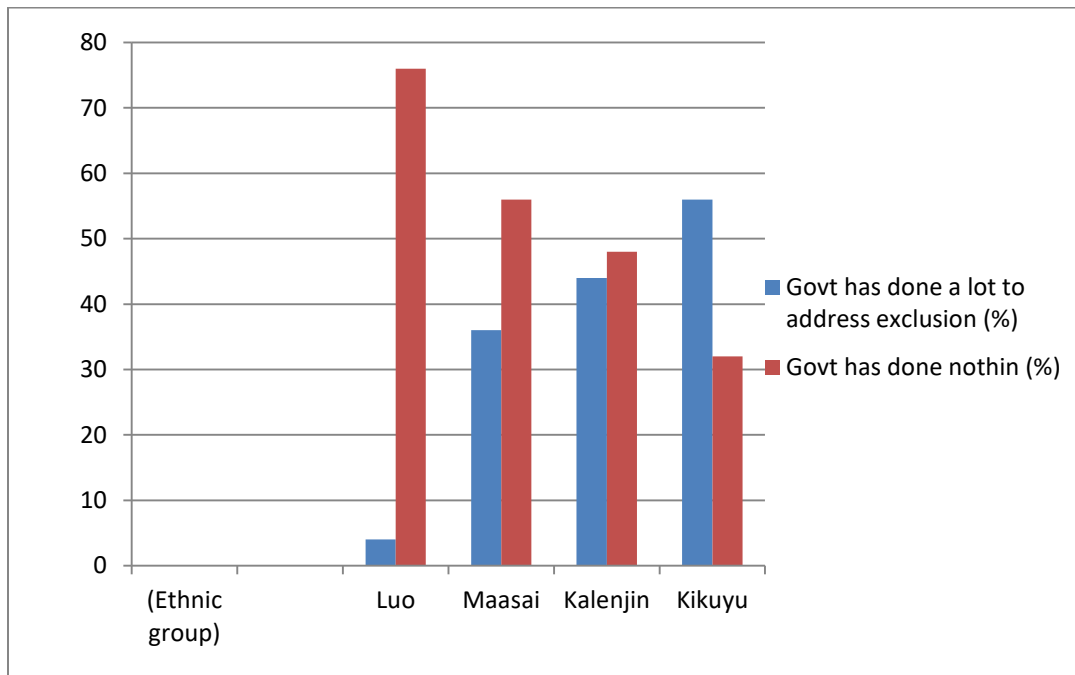
Source: Field data, 2017

Figure 7.3 demonstrates that while only 4 per cent of the Luo respondents asserted that the government has done a lot to address ethnic based exclusion, 36, 56 and 44 per cent of the

Maasai, Kikuyu and Kalenjin respondents respectively had the same opinion. Furthermore, while 76 per cent of the Luo respondents observed that the government has done nothing to address lack of inclusivity, 56, 48 and 32 per cent of the Maasai, Kalenjin and Kikuyu respondents respectively felt that the government has done nothing to address exclusion. Generally, figure 7.3 demonstrates that Kikuyu are the most satisfied with the efforts the government has made in addressing lack of inclusivity, followed by Kalenjin while Luo is the most dissatisfied.

The different perceptions, fueled by politicization of ethnicity, on who is excluded in Kenya and whether the government has played any role in mitigating exclusion continues to create favourable environment for negative ethnicity to flourish and subsequently conflicts in the country. These perceptions have been central in heightening ethnic stereotypes, tribal based politics and subsequently the politics of rebellion. As a result, this study argues that Kenyan politics has played a significant role in shaping diverse perceptions among different ethnic groups, a move that acts as a catalyst for future conflicts. Conversely, ethnic based exclusion has played a significant role in shaping inter-tribal politics in Kenya, a development that has intensified ethnic mistrust and prospects for future conflicts. This illustrates that ethnic based exclusion negatively affects politics and the vice versa, subsequently determining the prospects for conflicts.

7.6. Politicized ethnicity and resource distribution in Kenya

With a view to demonstrate how politicized ethnicity shapes resource distribution and/or perceptions of resource distribution in the country, the respondents were asked to give their opinions on how equitable the resources are distributed among diverse ethnic groups in Kenya and the effect of such patterns of resource distribution on conflicts. Figure 7.4 below summarizes the findings.

Figure 7.4: Ethnic group's perceptions on the fairness of resource distribution in Kenya
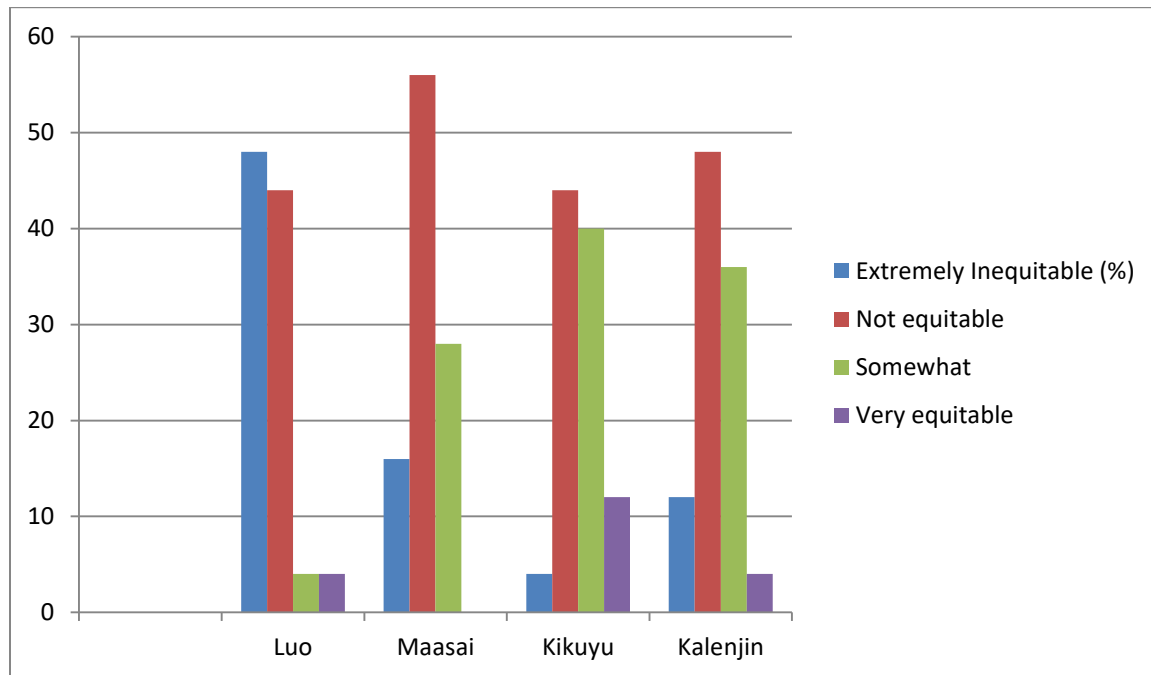
Figure 7.4 depicts that 48 per cent of the Luo respondents observed that resource distribution is extremely inequitable in Kenya, while another 44 per cent observed that resource distribution is not equitable. Cumulatively, 92 per cent of these respondents asserted that resource distribution is either extremely inequitable or not equitable. In comparison, only 4 per cent of Kikuyu respondents pointed out that resource distribution in Kenya is extremely inequitable, with another 44 per cent pointing out that resource distribution is not equitable. This means that majority of the Kikuyu respondents, 52 per cent, pointed out that resource distribution is either somewhat equitable or very equitable compared to only 8 per cent of the Luo respondents who had similar opinion. The findings of this study as indicated in figure 7.4 above thus demonstrates that Kikuyu ethnic group is more satisfied than Luo with the current distribution of resources in the country. Similarly, the findings depicts that Kalenjin are more

satisfied than Maasai with the current distribution of resources in the country. Generally, the prevailing disparities on the perceptions between Kikuyu and Kalenjin on one hand and Maasai and Luo on the other hand demonstrate the effects of politicized ethnicity in the country. Luo and Maasai have been socialized to believe that they have been excluded by Kikuyu and Kalenjin who have been controlling the executive, while Kikuyu and Kalenjin believes that they control power, hence their satisfaction with the prevailing patterns of resource distribution in Kenya.

Furthermore, the respondents were asked to state their opinions on how fair employment opportunities/ government appointments have been distributed among diverse ethnic groups in Kenya. Figure 7.5 summarizes the findings as indicated below.

Figure 7.5: Perceptions on employment patterns in Kenya

Source: Field data, 2017

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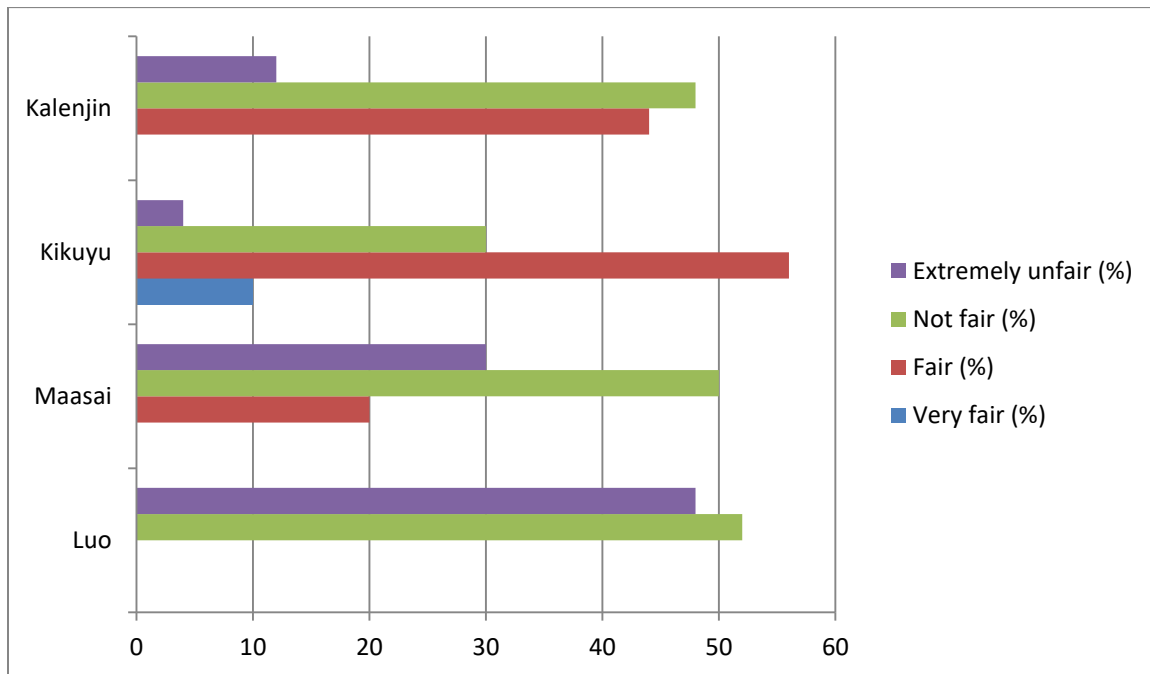
Figure 7.5 above demonstrates that 48 and 52 per cent of the Luo respondents pointed out that the distribution of employment opportunities are extremely unfair and not fair respectively. None of them considered the distribution of employment opportunities to be fair or very fair. Most of the respondents from this group pointed out that top government and Parastatal jobs are dominated by two ethnic groups, thus neglects other groups. In comparison, only 4 per cent of Kikuyu respondents observed that the distribution of employment opportunities is extremely unfair, while another 30 per cent said that employment opportunities are not fairly distributed among ethnic groups in Kenya. This demonstrates that most Kikuyu respondents believe that the employment is either very fair or fairly distributed. However, they observed that though there is fair distribution of employment, perceptions of disparities have been politically created among ethnic groups, a development that sabotages good governance.

This study demonstrates that though Luo and Kikuyu ethnic groups are overrepresented in terms of employment in many sectors such as parastatals, Independent commissions and Public universities as already depicted, Luo are still dissatisfied while Kikuyu are comparatively happier with the current distribution of employment opportunities in Kenya. Furthermore, though Maasai are underrepresented in public universities, Commissions, County Public Service and Parastatals as already revealed in this study, they are much happier with the current distribution of resources and employment opportunities compared to Luo ethnic group. This is because while 48 per cent of Luo respondents observed that the distribution of resources is extremely inequitable among ethnic groups, only 16 per cent from Maasai felt the same. Conversely, while 20 per cent of the Maasai respondents felt that employment opportunities are fairly distributed, none from Luo ethnic group felt so.

The findings from this study demonstrate that politicized ethnicity among different ethnic groups in Kenya has fomented different perceptions on distribution of resources and employment opportunities. Kikuyu appears most satisfied, while Luo are most dissatisfied with the current distribution of resources and employment opportunities due to the kind of politics promoted in their respective ethno-regions. This is despite the fact that both Kikuyu and Luo have dominated employment in most government departments as illustrated by the secondary data.[479] Political elites among Luo ethnic group have politicized ethnicity, creating a perception that their co-ethnics have been marginalized. In contrast, since Kikuyu and Kalenjin have controlled presidency since independence, there is a perception created through politics that they are least affected by exclusion. Thus, this study demonstrates that more often than not, the level of discontent or satisfaction among ethnic groups is shaped by politicization of ethnicity.

7.7. Lack of inclusivity and human rights violations in Kenya

In attempt to address the fourth objective, which was to explore the effects of politicized ethnicity on human rights violations in Kenya, respondents were asked to state in their opinion whether there is a link between politicized ethnicity and abuse of human rights, and if yes they were required to explain how such politics violate human rights. Figure 7.6 below summarizes the findings.

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[479] See Chapter four, pp. 128-167

Figure7.6: Is there a link between politicized ethnicity and abuse of human rights?
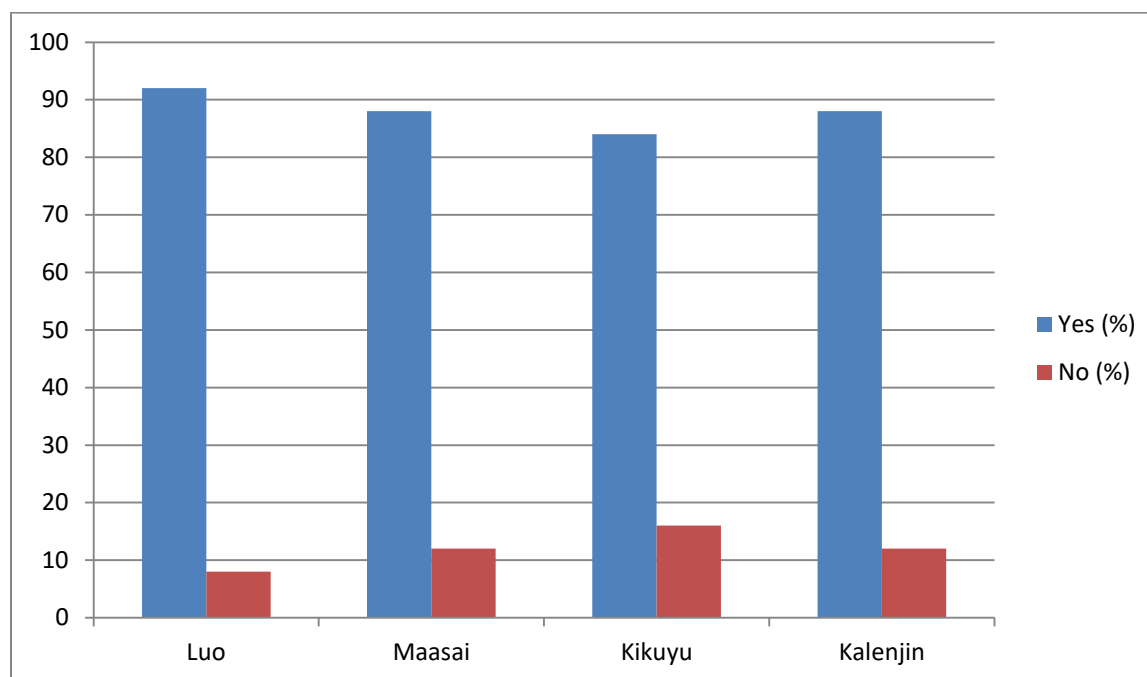
Source: Field data, 2017

The findings as illustrated in figure 7.6 above demonstrates that there was a general agreement across ethnic divide that there is a link between politicized ethnicity and violations of human rights. On average, 88 per cent of the respondents confirmed that there is indeed a link between these two variables while only 12 per cent dismissed that there is any link between the two variables. A number of respondents pointed out that exclusion of individuals or groups on the basis of their ethnic identity is itself a violation of their rights. This corroborates article 27 (4) of the 2010 Constitution which outlaws exclusion including ethnic based. In addition, these respondents observed that politicized ethnicity denies some ethno-regions their fundamental human rights provided for in all human rights instruments.[480] As already demonstrated in this study, politicized ethnicity encourages ethnic based exclusion which subsequently violates human rights as illustrated in figure 7.6 above. This study therefore argues that politicization of

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[480] See Chapter five, pp.175-190

ethnicity plays a significant role in violating human rights, which subsequently promotes conflicts.

Some other respondents observed that lack of inclusivity, which frequently emanates from the politicization of ethnicity, denies the affected people socio-economic rights. They asserted that denial of such rights breeds animosity since the communities who do not enjoy these social-economic rights feel relatively deprived. They pointed out that denial of these rights negatively affects the development of social amenities such as hospitals, schools, adequate and clean water facilities and electricity, a situation that further enhances the feeling of relative deprivation and subsequently conflicts. As a result, exclusion negatively affects the dignity of the excluded groups by worsening poverty, thus heightening inferiority complex among the affected group. This makes the affected group lose human dignity, intensifies anger and frequently foments future conflicts.

While trying to underscore the link between politicized ethnicity and human rights abuses, one respondent argued that exclusion, which emanates from such politics, deters development among some ethnic groups. This situation contravenes the provisions of African Charter on Human and People' rights which recognizes development as a human right. Therefore, politicization of ethnicity, which sometimes promotes exclusion, plays a significant role in hindering development of the affected ethno-regions, a situation that foments violation of human right.

34 percent of the respondents asserted that exclusion leads to politicized ethnicity which plays a significant role in denying some people their political rights. For instance, they pointed out that some politicians are forced to join certain political coalitions contrary to their wishes, in order to survive politically. They argued that many politicians from Nyanza region for instance

have been rendered irrelevant after supporting a minority party in their ethno-region. The same kind of politics is witnessed in Mt Kenya region where politicians who joins political coalitions that are deemed regime unfriendly are punished. Such politicians have been humiliated and their political careers cut short despite their good development records. In addition, politicized ethnicity promotes bloc voting, a development that compels electorates to vote candidates they do not necessarily believe in.

Besides, some respondents observed that the political rights of the excluded groups are often violated sometimes through torture, arrests and unlawful detention. They further asserted that exclusion hinders a fair playing field where political rights such as voting can be exercised. In other words, they alluded to the fact that lack of inclusivity makes it difficult for a country to have free and fair elections that upholds the principles of democracy. One respondent above all pointed out that exclusion based on ethnicity makes people feel hopeless thereby discouraging them from participating even in voter registration exercises. He observed that many citizens in some ethno-regions, especially, Western, never participated in the voter registration exercise that was conducted in 2016 since they have lost hope in voting.

Exclusion based on ethnicity denies the affected people their right to participate in the governance of their country as depicted by some respondents. This discourages individuals and creates resentment among them, making them withdraw their support to the government. This makes the government lose legitimacy from some sections of the population, therefore stoking future conflicts. Furthermore, one respondent pointed out that lack of inclusive politics deny some groups the right to equality, equal protection by the law and equal benefits from the state.

The respondents were further asked to state whether there is any link between abuse of human rights and conflicts in Kenya, and if yes explain how the two relates. The findings reveal

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that 90 per cent of the respondents acknowledged there is a link between human rights violations and conflicts, while only 10 per cent denied that there is any link between these two variables.

Figure 7.7: Is there any link between abuse of human rights and conflicts?
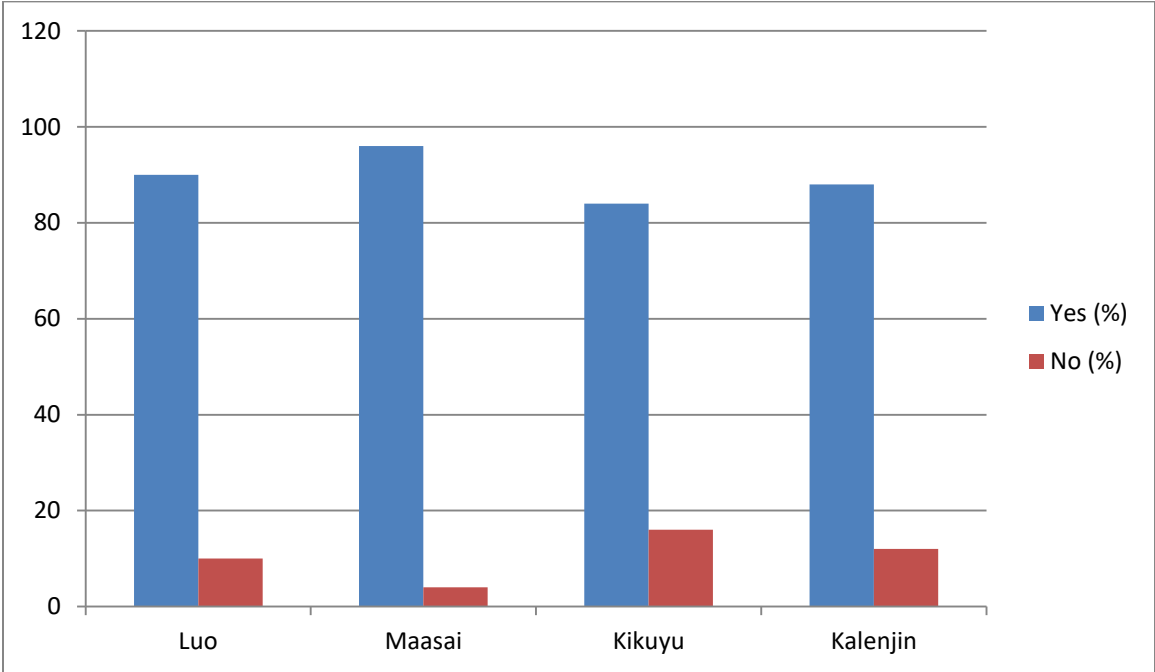
Source: Field data, 2017

Most of the respondents who acknowledged there is a link between these two variables observed that human rights violations heighten inter-group resentment and frustrations which easily culminates into conflicts especially when the judicial system to arbitrate these resentments is weak. They asserted that in Kenya, human rights violations are so widespread, especially directed at the opposition. They argued that when security agents are sent to quell for instance a peaceful demonstration organized by the opposition, they are normally so enthusiastic, often using excessive force unlike when dealing with the pro-government demonstration. They thus asserted that though peaceful demonstration is a constitutional right as per the Constitution of

Kenya, the participants in such demonstrations often face a lot of police brutality, a development that heightens bitterness and subsequently conflicts.

Some respondents pointed out that conflicts result when there are widespread violations of human rights. These violations may be in form of rape, maiming, destruction of properties and even killing. Furthermore, one respondent argued that conflict frequently results into forced migration of people, a situation that leads to Internally Displaced Peoples (IDPs) and asylum seekers in the neighboring countries. This intensifies the probability of conflicts as both the IDPs and asylum seekers compete for the scarce resources. In such a conflict situation, the rule of law is mutilated, therefore making further abuse of human rights easy since no one is held accountable for his/her actions.

Abuse of human rights among some groups has provoked intermittent conflicts in Kenya due to the feeling of unfair treatment as argued by some respondents. They asserted that when people's rights such as right to adequate food, shelter and clean water are violated, conflict becomes inevitable due to the growing dissatisfaction among them. They further observed that violations of human rights especially among the excluded groups provoke them to rebel, hence stoking ethnic tensions. This is because the ethnic groups that have been excluded and later denied their rights will most likely seek justice either, through the judicial system or street demonstrations, a development that provokes tension and at the same time increasing the likelihood of conflicts.

32 per cent of the respondents asserted that the violations of human rights especially among the excluded provoke them to disobey the rule of law, thus stoking conflicts. Failure to obey the rule of law easily degenerates into anarchy and subsequently conflicts. One respondent underscored that when the rights of individuals or groups are abused, they are likely to rise

against the abuses either directly on the abusers or the established systems leading to conflicts. This becomes worse especially when the people's cultural and religious rights are not respected; a situation that makes conflict becomes inevitable.

7.8. Intervention measures

Based on the fifth objective of this study which was to evaluate and analyze the legal, policy and institutional framework for addressing politicized ethnicity, respondents were asked to state in their opinion how effective these frameworks are in curbing politicized ethnicity, exclusion and subsequently conflicts in the country. On average, 41 per cent of the respondents observed that the current reforms are not very effective, while only 3 per cent on average argued that the existing measures are very effective. Respondents from Luo ethnic group were the most pessimistic on the effectiveness of these frameworks with 52 per cent observing that these measures are not effective at all and another 36 per cent pointing out that these measures are not very effective. On the contrary, Kikuyu were the most optimistic with only 4 per cent pointing out that these reforms are not effective at all. This is as demonstrated in figure 7.8 below:

Figure 7.8: Effectiveness of existing reforms for curbing politicized ethnicity and exclusion
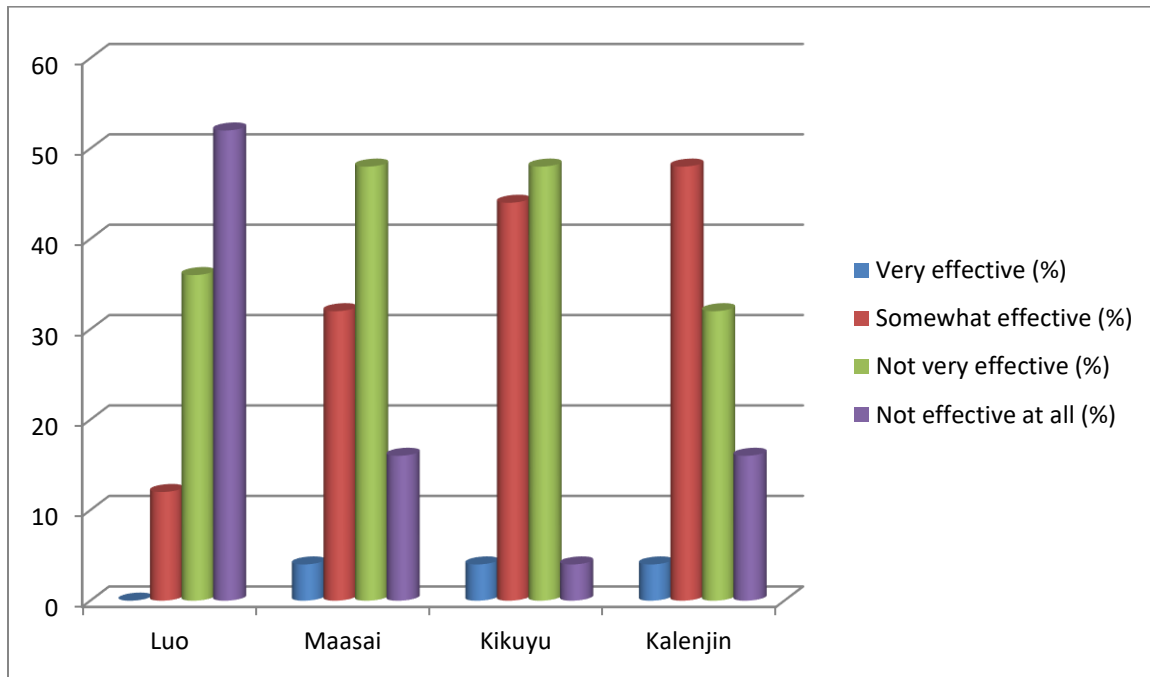
Source: Field data, 2017

Figure 7.8 above demonstrates the effects of politicized ethnicity on perceptions of different ethnic groups in the country. Politicized ethnicity has created a lot of differences in perceptions among diverse ethnic groups, with some citizens being extremely pessimistic on the progress the government has made while in other regions citizens are optimistic. The ethno-regions where citizens are pessimistic on the progress made by the government have frequently supported the opposition since they lack faith in the government. The government in turn reacts by sometimes sidelining them in terms of development, a situation that often intensifies dissent and later conflicts among the resident.

Some of the reasons given by the respondents on why these reforms have been ineffective include: high levels of corruption among leaders, intimidation of the government departments and institutions entrusted with promoting nationhood by ruling political elites, weak government

institutions and lack of implementation of the relevant laws already in place. In addition, lack of political goodwill and the manipulation of ethnic identities by political elites for personal interests have heightened negative ethnicity and subsequently lack of inclusivity in the Kenyan society. This in turn has played a cardinal role in sustaining politicized ethnicity, which continues to plague the Kenyan society to date.

7.9. Chapter summary
This chapter depicts that the only demographic characteristic among the respondents that had a significant impact on their opinions on politicized ethnicity and exclusion in the country was their ethnic affiliation. Other demographic characteristics such as age, gender, level of education among others had little influence on the respondent's perceptions. This demonstrates the extent to which politicized ethnicity has shaped people's perceptions regardless of their age, gender or social status in the country.

This chapter further underscores that politicized ethnicity encourages lack of inclusivity and/or perceptions of exclusion which negatively affects inter-ethnic politics, a development that heightens suspicion and subsequently conflicts between ethnic groups. It demonstrates that politicized ethnicity has fomented different perceptions on distribution of resources, human rights violations, employment opportunities and effectiveness of the current frameworks for curbing politicized ethnicity. Conversely, the chapter demonstrates that lack of inclusivity has promoted ethnic based politics where most politicians project themselves as ethnic defenders. Hence, the argument that politicization of ethnicity plays a significant role in determining inter-group politics, which subsequently promotes conflicts.

Finally, this chapter illustrates that the existing legal, policy and institutional reforms have not been effective in curbing politicized ethnicity and exclusion which ultimately promotes

conflicts. The chapter considers the following factors to be working against the ongoing reforms. High levels of corruption among leaders, intimidation of the government departments entrusted with promoting nationhood by ruling political elites, weak government institutions, lack of implementation of the relevant laws already in place, lack of political goodwill, negative ethnicity and the manipulation of ethnic identities by political elites for personal interests. The next chapter presents the summary and conclusions of the study. The chapter further gives the policy recommendations based on the findings of this study.

CHAPTER EIGHT

SUMMARY, CONCLUSIONS AND

RECOMMENDATIONS

8.1 Introduction

This study examined the role politicized ethnicity plays on conflicts. The specific focus was to assess the nature and the role played by politicized ethnicity on African conflicts; to examine and analyze the nexus between politicized ethnicity, governance, and conflict in Kenya; to critically Investigate how politicized ethnicity affects resource distribution and subsequently conflict in Kenya; to explore the effect of politicized ethnicity on human rights violations in Kenya and finally to evaluate and analyze the legal, policy and institutional framework for addressing politicized ethnicity in Kenya and suggest ways of strengthening them.

This chapter therefore presents the summary of the main findings of the study. In addition, the chapter highlights the conclusions of the study based on the five objectives, research questions and hypotheses respectively stated in chapter one of this study. Furthermore, the recommendations and subsequently the implications of the study on policy, practice and theory are presented. Finally, the suggestions for further studies are also provided.

8.2. Summary of the key Findings

The findings of this study demonstrate that politicized ethnicity promotes poor governance and ultimately conflicts. This is because politicization of ethnicity results in the abuse of human rights, promotes economic marginalization and/or perceptions of exclusion, ingrains the "winner takes it all attitude" and promotes manipulation of cultural differences which feeds on the "us versus them" perceptions. This provokes the emergency and proliferation of ethnic based

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movements and social struggles which promotes the manipulation of ideological and cultural differences by political elites through stereotyping, a development that culminates into ethnic based conflicts. The study also reveals that politicized ethnicity undermines inter-ethnic trust, consolidation of democracy and destroys social norms, values and institutions that are entrusted in promoting national cohesion. This provokes both secessionist and irredentist conflicts as the disadvantaged ethnic group(s) seeks to either form their own state or join another state where they feel their grievances would be addressed more effectively.

Furthermore, the study illustrates that politicized ethnicity can manifest in form of ethnocentrism, which is the foundation upon which lack of inclusivity is built. This is because ethno-centrism justifies the skewed allocation of resources including prime jobs, which excludes some ethnic groups. This often culminates into dissent and later conflicts, a situation that further worsens politicized ethnicity in the country as argued by the Instrumentalist theory. Additionally, this study depicts that ethno-politics creates consciousness among the excluded group by blaming their predicament on the group in power, a move that heightens hatred, mistrust and suspicion in the society and later culminates into conflicts. This in turn negatively affects the growth of democracy and good governance. This finding is consistent with the theoretical underpinnings of this study, which argues that conflicts erupt when elites raise consciousness among their co-ethnics through ethnic based mobilization.

The *prima facie* evidence presented in this study reveals that politicized ethnicity, which is a function of poor governance, is a major challenge to peace, democratic governance and the rule of law in many African countries. The study identifies politicized ethnicity as a variable that contributes to persistent conflicts in Africa, and demonstrates that if such politics are adequately addressed, there would be enhanced national development, improved governance and ultimately

fewer conflicts. This is because such politics has promoted impunity, making it difficult even for institutions to fulfill their mandates due to political interference and intimidation. Therefore, this study argues that politicized ethnicity is both a symptom and a consequence of poor governance. Thus to address this vice, there is a need to promote good governance. Based on the lacuna identified from the review of the theoretical literature, this study analyses good governance from three perspectives: First, good governance should involve strong institutions, second it involves ideology based politics as opposed to ethnic based politics, in other words the need to de-ethnicize politics and the third aspect of good governance this study underscores is the need to have competent and morally upright leaders in office.

This study demonstrates that politicized ethnicity has amplified ethnic differences, making them the cardinal means of social expression and for agitation of group rights and privileges in many African countries. This plays a significant role in fomenting perceptions of exclusion and/or abuse of human rights among some ethnic groups, a development that has promoted inter-ethnic conflicts in various parts of the continent. Nevertheless, the analysis of politics in some African countries shows that states that seek inclusive policies like in Botswana and South Africa are more politically, economically and socially stable compared to countries like South Sudan and Ethiopia where politicization of ethnicity is widespread.

The study also depicts that politicized ethnicity is a recipe for regional insecurity and instability especially when ethnic groups have their tribal kins in the neighboring countries. Here, politics plays a significant role in creating perceptions among different ethnic groups, whether within the country or across borders, that they are relatively deprived, and that their deprivation is caused by those in power. By blaming the group in power, unity of purpose among

the affected ethnic groups is cemented, while at the same time hatred, mistrust and suspicion between groups is intensified, which is a prerequisite for conflicts.

8.2.1. Politics and conflicts in Kenya

This study has revealed that politicized ethnicity, which is a colonial legacy, has persisted in Kenya since independence. President Kenyatta used ethnic card to consolidate power, as a result marginalizing elites from other ethnic groups. Similarly, President Moi and Kibaki politicized ethnicity, further heightening ethnic differences in the country. The introduction of multi-party politics particularly fueled ethnic consciousness, pitting large ethnic groups against each other, a development that heightened politicized ethnicity which influences the distribution of resources and political appointments. Hence, the ethnic group that dominates politics has more access to national cake since public expenditure decisions are largely influenced by senior government officials who are political appointees. This subsequently creates inter-ethnic polarization which presents favourable atmosphere for conflicts.

In addition, political elites spread propaganda and mobilize their co-ethnics to vote as a bloc by heightening fear, anxiety and animosity between their co-ethnics and other ethnic groups. This compels co-ethnics to cooperate due to the fear of purported negative consequences in case they do not vote their own; a situation that not only hinders the growth of issue based politics but also promotes conflicts. Furthermore, the voters elect their co-ethnics to express ethnic solidarity and also due to stereotypes which make co-ethnics view their own to be good leaders while at the same time negatively evaluating the leadership abilities of individuals from other ethnic groups. Politics exacerbates ethnic-based exclusion and later conflicts since it determines who gets what, when and how. Thus, this study argues that politics is used in Kenya

to institutionalize ethnic exclusion by influencing skewed resource distribution and subsequently justifying the allocation regardless of how skewed resources are.

This study however demonstrates that though skewed access to national cake and poor representation of some ethnic groups in the government is an incubator of internal conflicts in Kenya, ethnic entrepreneurs have exaggerated the idea of exclusion, a development that often provokes violence. This violence is later used as an instrument of influencing the voting patterns purely for the interests of political elites. This is worsened by politicized ethnicity and land issues that play an essential role in exacerbating tribal based conflicts. Thus, this study reveals that ethnic based politics and not marginalization *per se* is the main contributor of conflicts in Kenya. When certain sections of the population feel marginalized, their probability of resulting into conflict increases, whether the exclusion is real or perceived.

This study has also established that ethnic based exclusion is perceived differently by various ethnic groups due to the role played by politicized ethnicity in Kenya. While most of the Kikuyu respondents believe that the government has done a lot to eliminate ethnic based exclusion, most of the Luo respondents asserted that there has been no political goodwill to address ethnic based exclusion since the people in power are the beneficiaries of exclusion. Furthermore, apart from Kikuyu respondents, most of all other respondents identified Kikuyu as the least affected by ethnic based exclusion. These two findings demonstrate how politicized ethnicity has shaped the perceptions of diverse ethnic groups, a development that has negatively affected the growth of democracy in Kenya.

The study further illustrates that regional politics leads to lack of inclusivity and at the same time causes polarization and fragmentation along ethnic lines, thus negatively affecting national cohesion. It fuels polarization by promoting the growth of ethnic based coalitions which

are often formed to defend ethnic interests. These coalitions deliberately exclude certain ethnic groups from power, hence weakening the existing political system since the excluded group(s) often works against such arrangement. This foments discontent and possibly conflict as the opposition seeks to change the system, sometimes using unconstitutional means since they do not trust the weak institutions in place to arbitrate their grievances. This situation exacerbates when those in power fights to maintain the status quo.

8.2.2. Politicized ethnicity and resource distribution

This study has underscored a number of factors that have intensified ethno-regional disparities in Kenya. These factors include uneven economic development by colonialists and missionary activities, political patronage especially during Kenya's single party rule, desire by the successive governments to maximize the investment of the limited resources in high productive areas such as tea, coffee and grain growing areas, migratory patterns based on group's economic activities, state formation process, retrogressive cultural believes and practices among some ethnic groups and laissez-faire mode of development approach that was adopted by post-independent government. However, political elites have ignored these factors, instead creating a perception which links the prevailing regional disparities in the country to a deliberate policy by the government, a development that provokes unnecessary discontent among some ethnic groups.

The study also illustrates that the current ethno-regional disparities does not automatically result into physical conflict, but it promotes structural conflict. It fuels structural conflict due to the dissatisfaction it fuels among some sections of the population who seek to alter the prevailing patterns of resource distribution. The study demonstrates that if ethno-regional disparities were a major cause of physical conflict, then most conflicts in Kenya could be among Dasanech, Gosha

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and other marginalized groups who are most affected by exclusion. Instead, the study reveals that the politicization of ethno-regional disparities is the main cause of physical conflicts in the country. When political elites magnifies ethnic based exclusion, whether real or perceived, conflict becomes inevitable. The politicization of the prevailing ethno-regional disparities coupled with perceptions of exclusion has played a significant role in exacerbating politicized ethnicity and subsequently conflicts.

This study demonstrates that politicized ethnicity foments ethnic based exclusion and/or perceptions of ethnic exclusion, a situation that intensifies conflicts. For instance, the study shows that ethnicity of the President influences the composition of cabinet ministers and other senior government officials, a situation that subsequently influences the ethnic makeup of the whole public service. Ethnic politics plays a key role in determining employment patterns even in parastatals since their CEOs, who are mostly political appointees, determine employment patterns. For instance, the CEO of Kenya Building Research Center is a Kikuyu and 60% of the employees are Kikuyu while the CEO of the Lake Basin Development Authority is a Luo and 53.5% of the staff is Luo. This study also depicts that the ethnicity of the VC or principal of the 31 institutions of higher learning in Kenya is the same as the ethnicity of the majority of staff in senior management level. Politicized ethnicity does not only promote exclusion, but also raises the consciousness of ethnic inequality, thus intensifying ethnic hatred and conflict.

Politicized ethnicity has also fueled intermittent conflicts in various parts of the country by creating perceptions of ethnic exclusion. Perceptions of ethnic exclusion have for instance been deeply entrenched among the residents of Nyanza region, who have been in the opposition for a long time, a development that has heightened discontent among them. However, this study reveals that the residents of this region, specifically Luo ethnic group, are in fact overrepresented

in terms of employment in many sectors. Thus, this study argues that politicization of ethnicity has played a significant role in exacerbating tension, dissent for the government and later ethnic conflicts in various ethno-regions especially Nyanza region.

This study demonstrates that politicized ethnicity encourages skewed distribution of resources among ethnic groups, a development that breeds inter-ethnic hatred and suspicion which subsequently translate into conflicts. Conversely, regional inequalities fuel politicized ethnicity and subsequently political conflicts. Inequality breeds mobilization along ethnic lines when the scarce resources are distributed in a skewed manner favouring some ethno-regions. Additionally, the politicization of the perceptions of ethnic based exclusion as political elites scramble for power and resources has played a key role in shaping voting patterns, a move that fuels many ethno-regional conflicts. When politicized ethnicity raise consciousness of ethnic inequality, whether real or perceived, inter-ethnic mistrust and conflict becomes inevitable.

8.2.3. Politicized ethnicity and Human rights

This study also examined politicized ethnicity from a human rights perspective. It demonstrated that politicized ethnicity activates ethnic identities as the bases for defining interests and mobilizing political power and/or resources, a development that promotes ethnic exclusion which violates human rights. This study reveals that politicized ethnicity violates human rights both directly and indirectly. It directly violates human rights by breaching some of the provisions of human rights instruments, for instance, Article 27(4) of the Constitution of Kenya which prohibits discrimination of any individual and the UN minorities Declaration which states that individuals, including minorities have a right to be involved in decision making and their interests should be taken into account.

Politicized ethnicity indirectly violates human rights by presenting situations that makes it difficult for one to enjoy social, economic, civil and political rights. For instance, politicized ethnicity indirectly violates human rights by heightening poverty, illiteracy and insecurity among the excluded ethnic groups. This not only violates socio-economic rights, but also negatively affects the dignity of the affected people contrary to Article 19(2) of the Kenyan Constitution. This study further underscores that politicized ethnicity indirectly violates human rights by interfering with the political processes such as democracy, conflict resolution and accountability of leaders. When democracy, conflict resolution mechanisms and leader's accountability are undermined, human rights violations become widespread.

This study also illustrates that politicized ethnicity, which leads to bloc voting and ethnic based coalitions, has fundamentally violated political rights. For instance, such politics has compelled some politicians perhaps with different and better political opinion to join the popular party in their ethno-regions for survival, thus violating article 38(1) (C) of the Constitution which states that every citizen has a right to campaign for a political party of his/her choice or for a certain cause. Additionally, politicized ethnicity fuels impunity during party primaries where the popular and winner is sometimes denied party ticket and instead given to the candidate the party prefers. The popular candidate ends up losing during elections if he joins another party to contest for the same seat since voting is based on party affiliation which is determined by ethnicity. This contravenes Article 38(3) which gives every citizen the right to hold office.

Politicized ethnicity also denies some ethnic groups their right to vote as witnessed in some ethno-regions in Kenya during the 1992 and 1997 general elections. During this period, politicization of ethnicity in form of ethnic militias that perpetrated gross human rights violations was widespread. This hindered some Kenyan citizens especially those who were perceived to be

pro-opposition from voting, particularly in Rift Valley and Coast regions. At an individual level of analysis, this study reveals that some hired goons have been used by politicians to destroy property and even sometimes kill political elites who campaigns for a political party that is not popular in their ethno-regions.

This study demonstrates that politicized ethnicity encourages the violations of socio-economic rights which are considered pertinent for human dignity. Politicized ethnicity leads to underdevelopment in some ethno-regions where individuals are unable to access health services of the highest possible standards, quality education, right to adequate housing, sanitation of reasonable standards, adequate food of good quality, clean and adequate water and social security. When socio-economic rights are violated, disillusionment increases among the affected group, a situation that promotes inter-ethnic polarization, animosity and subsequently conflicts. The affected population frequently engages in violence with an aim of rectifying the existing socio-economic injustices. For instance, this study demonstrates that alienated youth engaged in skirmishes during the 2007/08 post-election violence in Kenya since they considered it an opportune moment for rectifying socio-economic injustices.

The study also reveals that politicization of ethnicity has promoted obstruction of justice and/or perceived injustice among some people, culminating into dissent commonly reflected in rhetoric such as "No justice No peace". Politicization of ethnicity heightens poverty and illiteracy levels among some groups, making it difficult for them to access justice due to their inability to file and sustain expensive legal suits. Conversely, political elites have politicized ethnicity whenever they are faced with criminal charges, making the ethnic groups they represent feel that they are being targeted unfairly for prosecution. In addition, whenever electoral disputes, especially the Presidential elections, are filed in a court of law, political elites politicize

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ethnicity and intimidate the court making it unable to dispense justice. Generally, this study depicts that politicized ethnicity not only violate human rights, but also hinders access to justice, a situation that provokes conflicts.

8.2.4. Reforms in Kenya and the way forward

This study has analyzed the legal, policy and institutional frameworks that have so far been put in place in attempt to combat politicized ethnicity in Kenya. Though the study does not purport to have examined all the reforms that have been undertaken in the country, the cases analyzed here demonstrates that there is still a lot to be done to achieve inclusive politics in the country. Furthermore, the analysis of these frameworks depicts that there are a number of challenges that sabotage the efforts to de-ethnicize politics in Kenya. Therefore, suggestions on what needs to be done to overcome these challenges and ensure inclusivity in the country have been proposed.

Some of the legal reforms that have been initiated in the country include the repeal of section 2(A) of the Constitution that introduced political pluralism in 1991, hence opening up political space that was hitherto dominated by a few individuals from certain ethnic groups in the ruling party. In addition, the promulgation of the 2010 Kenyan Constitution has been highlighted in this study as a major step in promoting inclusive politics. Some of the provisions in the Constitution that promote inclusivity include Article 11 which requires the state to promote diverse culture through literature, science and communication, the arts, publications, mass media and traditional celebrations, Article 43 which recognizes social and economic rights of all citizens and Article 138(4) which requires the Presidential candidate to garner more than half of all the votes cast and at least 25% of all the votes in not less than 24 counties.

Other provision that seeks to promote inclusive society include Article 56 which provides for affirmative action, Article 174 which presents the objects of devolution and Article 60(1) which underscores equitable, productive, efficient and sustainable management of land. Besides, the enactments of various Acts of Parliament have played a significant role in promoting ethnic cohesion, thus minimizing politicized ethnicity in the country. For instance, NCI Act of 2008 underscores the need to reflect diversity of the people of Kenya in all public institutions where not more than a third of the employees should be from one ethnic group, while the County Government Act of 2012 requires at least 30% of vacancies in employment to be given to members of ethnic groups who are not the dominant group in the county.

Furthermore, some of the policy reforms analyzed in this study include adoption of Kenya vision 2030, policy on ASAL which seeks to promote infrastructure development, rule of law, human capacity and enhanced security in Arid and Semi-arid regions in Kenya, land reforms through the National Land Policy which is based on principles of justice and equity, National Policy for the sustainable development of Arid lands and the establishment of the equalization fund. These policy reforms are likely to address exclusion and subsequently politicized ethnicity in the country. The equalization fund, which is 0.5 per cent of the total collected revenue by national government, is legally intended to be used in the hitherto excluded regions to provide services such as water, road, electricity and health care so as to speed up development therein.

Conversely, some of the institutional reforms that have been initiated in the country so as to promote cohesion and reduce politicized ethnicity include, requirements for the establishment of political parties with national outlook, formation of TJRC to deal with past injustices, strengthening of Judiciary through JSC, formation of NCIC and establishment of Parliamentary Committee on equality of opportunities to promote national cohesion. The establishment of

IEBC and CRA seeks to build confidence especially among the excluded. Despite all these reforms that have been focused on eliminating or at least reducing politicized ethnicity, lack of political goodwill, lack of patriotism among many Kenyans, negative ethnicity, institutional weaknesses, tribal politics and improper use of the media continue to sabotage their effectiveness. The other challenges that negatively affect the efficacy of these reforms include the misguided notion that the county governments was meant to exclusively benefit the locals in terms of employment and failure to implement the relevant laws.

It is further demonstrated in this study that the mindset among some policy makers that previously perpetuated politicized ethnicity is still prevalent even today despite the fact that various reforms have been undertaken with an aim of addressing this malady. Therefore, this mindset continues to resist the reform agenda, negatively affecting the prospect of inclusive society in the country. Generally, this study observes that to address politicized ethnicity in the country, there is a need to promote good governance from three perspectives: first, having good leaders who conform to chapter six of the Constitution, second, governance with strong and independent institutions and finally good governance where politics is de-ethnicized.

8.3. Conclusions

The main conclusions of this study have been presented by examining the outcome of the hypothesis, objectives and research questions in the order they were stated in chapter one.

The first hypothesis affirmed that:

H 1: Politicized ethnicity is a major cause of conflicts in Africa

The findings from this study confirm this hypothesis by demonstrating that politicized ethnicity creates favourable conditions for conflicts. This is because politicization of ethnicity results in the abuse of human rights, promotes economic marginalization, ingrains the "winner takes it all

attitude" and promotes manipulation of cultural differences by political elites which lead to the emergency and proliferation of identity based movements and social struggles. The study also reveals that politicized ethnicity undermines inter-personal trust, consolidation of democracy and destroys social norms, values and institutions that are entrusted in promoting national cohesion. Politicized ethnicity also justifies the skewed allocation of resources, creates consciousness and perceptions of exclusion whether real or not and negatively affects good governance. Thus, this discourse answers the first research question on the role of politicized ethnicity in African conflict and subsequently the first objective of the study.

The second hypothesis stated that:

H2: There is no link between politicized ethnicity, governance and conflict in Kenya

The findings from this study reject this hypothesis by demonstrating that; politicized ethnicity promotes exclusion and/or perceptions of exclusion, which are indicators of poor governance, subsequently culminating into conflict. Politicized ethnicity compels co-ethnics to vote one of their kins due to the fear of other tribes and also to express ethnic solidarity. Additionally, politicized ethnicity exacerbates exclusion and later conflicts since it determines who gets what, when and how. Thus, politicized ethnicity is used in Kenya to institutionalize ethnic exclusion by influencing skewed resource distribution and subsequently justifying the allocation regardless of how skewed resources are. Politicized ethnicity also promotes ethnic based coalitions which are often formed to defend ethnic interests, thus excluding other ethnic groups. Therefore, this study reveals that politicized ethnicity, which is a function of poor governance, is the main contributor of conflicts in Kenya. When certain sections of the population feel marginalized, their probability of resulting into conflict increases, whether the exclusion is real or perceived.

The third hypothesis declared that:

H3: Politicized ethnicity leads to unequal distribution of resources and consequently conflict in Kenya

The findings of this study validated the third hypothesis by pointing out that politicized ethnicity promotes unequal distribution of resources, thus encouraging conflicts in the country. Politicized ethnicity leads to unequal distribution of resources as political elites favours their co-ethnic when distributing resources as a reward for their political loyalty. Conversely, when political elites magnifies inequality, whether real or perceived, conflict becomes inevitable. Politicization of ethnicity not only plays a significant role in determining resource distribution, but also raises consciousness on resource inequality, thus fueling conflicts.

The fourth hypothesis averred that:

H4: Politicized ethnicity negatively affects human rights, consequently contributing to conflict in Kenya

The study findings confirm this hypothesis by demonstrating that politicized ethnicity negatively affects the rights of some groups, making conflict inevitable. Politicized ethnicity violates human rights both directly and indirectly. It directly violates human rights by breaching some of the provisions of human rights instruments. On the other hand, it indirectly violates human rights by presenting situations such as increased poverty, illiteracy and insecurity that makes it difficult for one to enjoy socio-economic and political rights. Politicized ethnicity also indirectly violates human rights by interfering with the political processes such as democracy, conflict resolution and accountability of leaders.

This study also illustrates that politicized ethnicity, which leads to bloc voting and ethnic based coalitions, has violated political rights. For instance, some politicians have been compelled

to join the popular party in their ethno-regions for survival, contrary to Article 38(1) (C) of the Constitution. Additionally, some successful candidates in party primaries have been denied party ticket making them lose election contrary to Article 38(3). Politicized ethnicity has also encouraged the violations of socio-economic rights and promoted obstruction of justice and/or perceived justice among some people, a situation that provokes conflicts.

The fifth hypothesis asserted that:

H5: The existing legal, policy and institutional measures that have been put in place to combat politicized ethnicity in Kenya have been ineffective

The study findings confirms this hypothesis by pointing out that though a number of legal, policy and institutional reforms have been carried out with an aim of promoting political inclusivity, these reforms have largely been unsuccessful. This is due to lack of political goodwill, prevailing negative ethnicity, lack of patriotism among citizens, tribal politics, institutional weaknesses, failure to implement the relevant laws, poor mindset on the significance of inclusivity and improper use of the media. Generally, politicized ethnicity thrives due to poor governance in form of bad leaders, weak institutions of governance and ethnicized politics.

8.4. Recommendations

This study has examined the role of politicized ethnicity on conflicts. It emphasizes on the effects politicized ethnicity has on exclusion and subsequently conflict using politics, resource distribution and human rights as the intervening variables. As a result, a number of recommendations have surfaced from the key findings of this study. These recommendations, which are presented in this section, touches on two aspects: policy and practice and those touching on academic which are presented in the next section.

8.4.1 Policy recommendations

Given that politics plays a central role in fueling ethnic based conflicts by encouraging mobilization along ethnic lines, determining the patterns of resource distribution, raising consciousness on perceived exclusion and highlighting human rights abuses whether real or perceived, this study recommends the following:

i. The need to have a comprehensive legal framework that insulates public establishments from political interference. Institutions like Judiciary, electoral bodies and commissions that promote national cohesion should be strengthened and their independence supported. This would help such institutions to perform their duties professionally and accommodate individuals from diverse ethnic groups without undue political influence, thus promoting good governance and peaceful co-existence.

ii. The National Cohesion and Integration Act should be reviewed to have penalties imposed on those, including politicians, who promote discrimination on the basis of ethnicity. The NCIC should also be strengthened by giving it more funding to enhance its operations and have their offices established in every county. This would help the NCIC to have more powers to effectively and efficiently address the problem of politicized ethnicity and exclusion in the country.

iii. The state through Kenya Institute of Curriculum Development should review the Kenyan curriculum to underline political inclusivity. National cohesion and the need to appreciate ethnic diversity should be taught in Kenyan schools. Additionally, the Kenya School of Government which plays a central role in training civil servants should underscore the efficacy of inclusivity in public service as highlighted by the 2010 Kenyan Constitution.

iv. There is a need to expand the executive by creating more post which would be significant in accommodating representatives of the major ethnic groups in the country. This would

reduce the feeling of deprivation and subsequently ethnic mobilization and manipulation by political elites.

8.4.2 Programmatic recommendations

This study has revealed that though a number of reforms have been undertaken in the country, politicized ethnicity and lack of inclusivity remains a challenge. Accordingly, the study makes the following recommendations that would complement the effectiveness of these reforms:

i.   To change the mindset that continues to fuel politicized ethnicity and exclusion, there is a need to create forums where diverse ethnic groups meet and learn other people's culture. This would help to demystify some of the stereotypes that are frequently used to justify ethnocentrism and subsequently exclusion, a situation that often culminates into conflicts.

ii. There is a need to promote good governance which should include: having strong institutions of governance, morally upright leaders who conform to chapter six of the Kenyan Constitution and environment where politics is de-ethnicized. Good governance would also encourage economic development across all regions in the country, promote efficient and effective service delivery to all citizens, mitigates corruption and enhance effective bureaucracy. Consequently, this would build citizen's confidence with the state hence alleviating possible conflicts.

iii. The government also needs to focus on the marginalized communities by empowering them economically through the creation of Small Micro-Enterprises (SMEs). The government needs to accommodate the hitherto excluded group(s) by using affirmative action which favours the previously disadvantaged regions. Finally, the government should also implement TJRC report.

8.5. Future research

This study has examined the role of politicized ethnicity on conflicts in Africa using Kenya as the case study. The results depicts that politicized ethnicity promote lack of inclusivity and/or perceptions of the same, consciousness on human rights violations whether legitimate or not and stereotyping, a situation that triggers inter-ethnic animosity which promotes conflicts. The inter-group politics in Kenya is normally shaped by negative ethnicity where political elites manipulate ethnic identities, thus creating favourable environment for conflict to flourish.

In general, the study concludes that ethnic based exclusion does not cause conflicts *per se*, but the politicization of exclusion whether real or not frequently causes conflicts. Drawing from the findings of this study, there is a need to do further research in the following areas in order to understand comprehensively the role of politicized ethnicity on conflict:

i.   Similar studies can be conducted using other countries as the case studies. Countries like South Sudan and Ethiopia whose political arrangements are different from Kenya may perhaps send more light on the relationship between politicized ethnicity and conflicts.

ii.   This study was delimited to the role politicized ethnicity plays in shaping inter-group politics, resource distribution, human rights violations and/or creating such perceptions and subsequently conflicts in the country. Similar research should be conducted using other intervening variables such as the role politicized ethnicity plays in promoting ethnic stereotyping and whether this has any impact on ethnic conflicts.

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APPENDIX 1: FIELD RESEARCH QUESTIONNAIRE

Dear Respondent

My name is Samuel Mwiti Njagi, a PhD candidate at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi. My research topic is The Role of Politicized Ethnicity on Conflict in Africa: a case study of Kenya. I kindly request you to participate in this study. The information you will give will be treated with confidentiality and would be used for academic purpose only.

Kindly answer all the questions.

1. Sex: Male……………Female…………….
2. Age: Below 30yrs………...31-40………..41-50…..…..51-60……...
                         Above 60 yrs……….

3. Formal education:
None………Primary………Secondary…………Diploma………University……………

Others (specify)

……………………………………………………………………………………………
……………………………………………………………………………………………

4. What is your current occupation?

Unemployed……………Self employed……………Civil servant……..
Other……………

Politicized ethnicity and Conflict

5. a) All previous governments in Kenya pledged to eradicate ethnic-based exclusion. In your view, have they made any progress?
....
....
....
b) If not, then what motivates ethnic-based exclusion in Kenya?
……………………………………………………………………………………………
……………………………………………………………………………………………
……………………………………………………………………………………………

6. In your opinion, how does ethnic-based exclusion lead to conflicts?

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………………………………………………………………………………………………

7. a) Which are some of the areas/ethnic groups affected by ethnic-based exclusion in Kenya today in the following manner?

i) Most affected

………………………………………………………………………………………………………

ii) Moderately affected

………………………………………………………………………………………………………

iii) Least affected

………………………………………………………………………………………………………

b) How are these areas/ethnic-groups mentioned in (a) above excluded?

………………………………………………………………………………………………………

………………………………………………………………………………………………………

………………………………………………………………………………………………………

c) In your view, why do you think the areas/ethnic-groups mentioned in (a) above are excluded?

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8. In your view, what should be done to address the problem of ethnic-based exclusion in Kenya?

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Marginalization and Politics in Kenya

9. Drawing from your experience, what are the effects of politicized ethnicity on exclusion and the vice versa in Kenya?

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10. There seems to be interplay between politics and ethnic-conflicts. What role does politics play on ethnic conflicts in Kenya?

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11. How does ethnic-based exclusion impacts on:
    a) Individual's social development?

    …………………………………………………………………………………………………
    …………………………………………………………………………………………………..

    b) Individuals economic development?

    …………………………………………………………………………………………………..
    …………………………………………………………………………………………………..

12. What are the effects of the abuse of individual's social rights on conflict in Kenya?

    …………………………………………………………………………………………………
    …………………………………………………………………………………………………
    …………………………………………………………………………………………………

13. Citing examples, explain how ethnic-based exclusion affects one's political/civil rights?

    …………………………………………………………………………………………………
    …………………………………………………………………………………………………
    …………………………………………………………………………………………………

14. In your opinion, is there a link between politicized ethnicity and abuse of human rights?

    …………………………………………………………………………………………………
    …………………………………………………………………………………………………
    ………………………………………………………………………………………………….

15. In your view, is there any link between abuse of human rights and conflicts?

    …………………………………………………………………………………………………
    …………………………………………………………………………………………………
    …………………………………………………………………………………………………

Resource Distribution and Conflict in Kenya

16. In your own assessment, how equitable is the distribution of resources among various ethnic groups in Kenya? a) Very equitable…………b) somewhat equitable………… c) not equitable…………Extremely inequitable.

    b) Explain your answer giving examples.
    …………………………………………………………………………………………………
    …………………………………………………………………………………………………

17. In your opinion, how has employment opportunities/government appointments been distributed among various ethnic groups in Kenya?
    a) Very fair………....Fair..…..…......Not fair…..……….Extremely unfair……….…….

b) Explain

………………………………………………………………………………………………

………………………………………………………………………………………………

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c) What is the link between distribution of employment opportunities/ government appointments among various ethnic groups and conflict in Kenya?

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18. There seems to be a relationship between inequitable distribution of resources and conflicts. Tick one of the statements below that describes that relationship.

    a) Inequitable distribution of resources has nothing to do with conflicts

    b) Inequitable distribution of resources increases the likelihood of conflicts

    c) Inequitable distribution of resources decreases the likelihood of conflicts

Give a brief explanation for your answer above

………………………………………………………………………………………………

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19. What can be done to achieve equitable resource distribution in Kenya?

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20. Please tick one of the statements that you think is correct. a) Poverty causes conflicts b) Relative deprivation causes conflicts c) Both poverty and relative deprivation causes conflict. Explain your answer above.

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Politicized ethnicity and policy

21. In your view, how effective is the Kenyan policy for addressing politicized ethnicity? Very effective…….somewhat effective……..Not very effective……. Not effective…….. Explain your answer above

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22. What are some of the intervention measures that have been put in place to mitigate politicized ethnicity in Kenya?

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23. In your opinion, what else should be done to address the problem of ethnic-based exclusion in Kenya?

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24. What are the key challenges hindering efforts to address ethnic-based exclusion by various stakeholders in Kenya?

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25. In your view, what are some of the gaps in the current policy intervention for addressing ethnic-based exclusion?

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Thank you for participating.

END

APPENDIX 2: INTERVIEW GUIDE

Dear Respondent

My name is Samuel Mwiti Njagi, a PhD candidate at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi. My research topic is The Role of Politicized Ethnicity on Conflict in Africa: a case study of Kenya. I kindly request you to participate in this study. The information you will give will be treated with confidentiality and would be used for academic purpose only.

6. In your opinion, what is the role played by Politicized ethnicity on African conflicts?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

7. Drawing from your experience, how does ethnic based exclusion affects politics in Kenya?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………...

8. In your view, what is the link between ethnic-based exclusion and conflict?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

9. Based on what has been happening in Africa and Kenya in particular, what is the impact of politics on ethnic-based conflict?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

10. What are the effects of the politicized ethnicity on individual's social rights in Kenya?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

11. Citing examples, explain how ethnic-based exclusion affects one's political/civil rights?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

12. In your view, is there any link between abuse of human rights and conflicts?
    …………………………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………

13. In your view, how does politicized ethnicity affects resource distribution in Kenya?

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14. a) What do you think is the effect of ethnic-based exclusion on individual's socio-economic development?

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……………………………………………………………………………………………
……………………………………………………………………………………………

b) How does individuals' socio-economic development affect one's likelihood of engaging in conflicts? Increases………..Decreases……………. No effect…………Explain.

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………………………………………………………………………………………
………………………………………………………………………………………

15. In your view, how can you rate the following policies for addressing ethnic-based exclusion?

a) Foreign policy.
Very effective…….somewhat effective……..Not very effective……. Not effective…….. Explain your answer above

………………………………………………………………………………………
………………………………………………………………………………………
………………………………………………………………………………………

b) Domestic policy.

Very effective…….somewhat effective……..Not very effective……. Not effective…….. Explain your answer above

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16. What are the policy makers doing/have done to mitigate ethnic-based exclusion in Kenya?

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……………………………………………………………………………………………
……………………………………………………………………………………………

17. In your opinion, what else should be done to address the problem of ethnic-based exclusion in Kenya?

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………
………

18. What are the key challenges hindering efforts to address ethnic-based exclusion by various stakeholders in Kenya?

………
………
………

19. In your view, what are some of the gaps in the current policy intervention for addressing ethnic-based exclusion?

………
………
………

Thank you for participating

END