# Socially Inclusive Cities:
# Kenya Country Report

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Abstract

This review focuses on the question of social exclusion of ethnic and religious minorities in Kenya and lays particular emphasis on healthcare, education, finance and public service. The key drivers of exclusion as well as the strategies for addressing exclusion are identified. The review shows that both ethnic and religious social exclusion are closely intertwined. Further, social exclusion varies with context and is fueled by the character of governance system and institutions, geography and agro-climatic positioning factors as well as unequal distribution of national wealth. In the Kenyan context, religious exclusion is largely assumed to be mirrored through ethnic marginalization. Strategies to resolve social exclusion of ethnic and religious minorities can be developed by systematically analyzing the key drivers of exclusion and designing policies and programmes for addressing the same.

## 1. Introduction

Despite Kenya's impressive rate of economic expansion, the question of equity remains a key challenge. The country has high levels of both horizontal and vertical inequalities. This has had profound adverse effects on the marginalized persons' access to essential social services such as education, finance and healthcare. In the case of horizontal inequalities, the challenge for Kenya is more complex and efforts aimed at resolving the problems remains a mirage. For instance, reforms aimed at reforming the character of the Kenyan state, reducing ethno-regional patronage and addressing historical grievances have not always yielded the desired outcomes. Furthermore, persons from the minority ethnic and religious groups have borne the brunt of marginalization in Kenya. They have limited representation in key government institutions of governance and decision making. Yet, for a more just, cohesive, equitable, stable and prosperous Kenya, it is critical that the country resolves the challenge of inequalities. The paper also considers the needs of women and young people in minority ethnic and religious groups as they often face additional layers of disadvantage.

This paper focuses on how research might help to reduce some of these inequalities. The paper explores three inter-related issues: First, is the issue of social exclusion including identifying the ethnic and minority groups that experience inequalities in Kenya, drivers of ethnic and religious exclusion, effect of social exclusion on the ethnic and religious minorities as well as on economic development. Second, is a synthesis on some possible strategies for social inclusion for ethnic and religious minorities. Thirdly, the paper identifies gaps in the current evidence that need to be filled in order to inform future policy and practice in Kenya. The review largely focuses on Kenya's urban spaces and lays particular attention to healthcare, education, finance and public service.

### 1.1   The Concept Social Exclusion

A large body of literature exist on the conceptual meaning of social exclusion. Most of this literature builds on the international discourse on human rights. In other instances, there is a tendency to use exclusion together with marginalization. Other scholars associate social exclusion with non-participation in the normal activities of citizens of a society (Ochara, 2008 25). However, social exclusion varies with context and should not be detached from the institutional framework of a particular society. As used in this paper, social inclusion denotes access, quality of service and representation in public services that is comparable to the majority ethnic or religious group. Further, efforts to achieve social inclusion may involve social change, reducing inequalities, disparities, prejudice, stereotyping and discrimination or changing attitudes, improving race relations, human rights, civil rights, social or public perceptions. Minority ethnic or religious population as used in this review refer to a population experiencing discrimination or disadvantage as a result of their ethnic or religious identity.

### 1.2   Theoretical Foundations

Literature on social exclusion in Kenya points at a number of theoretical traditions in their analysis. Such theoretical traditions include institutional economics, capabilities approach,

human rights approach, political settlement approach as well as interest group theory. For instance, Kimenyi, (2006: 65) makes a case for ethnicity as an important institution and one that influences public policy outcomes. However, as an institution, ethnicity has also been used to the disadvantage of other ethnic groups in the country. Ethnic patronage in Kenya is widespread and incidentally also taking root in the new devolved units.

A key theoretical question: why does social exclusion matter? Answers to this question can provide useful insights on potential pathways towards building a more equitable, peaceful, cohesive and progressive society. Using the Sen's (1999) capabilities approach opens the analyst's worldview to focus on the implications of the various instrumental freedoms in addressing social exclusion. According to Sen, these freedoms include: political freedom including civil rights; economic entitlements including access to finance; and social opportunities including arrangements that a society makes for education and healthcare. All these entitlements make it possible for a person to participate effectively in economic and political activities of their country. Other capabilities that have implications for social exclusion of ethnic and religious minorities are transparency guarantees or the issue of trust as well as protective security. Thus analyzing social exclusion from a capability perspective provides the analyst with a broader view on potential sources of exclusion as well as ways of resolving the exclusion.

Theoretically, addressing social exclusion is an ethical imperative (KNBS and SID, 2013: 1). Issues of fairness, equity, social justice are essential building blocks of a stable and a harmonious society. It is an ideal that all civilized societies strive to achieve. In the Kenyan case, historical marginalization of Northern Kenya, parts of the Rift Valley (e.g. Turkana, Samburu, West Pokot) in the context of relatively developed other parts of the country points to ethical shortcomings of the successive ruling regimes in Kenya. How benefits of economic growth are shared across a society is a question that sustainable society cannot escape. The state of basic social support infrastructure in the Northern part of Kenya is a blot in the country's moral compass.

Further, social exclusion of ethnic and religious minorities undermines the security and stability of a country. The marginalized groups may coalesce around their grievance and this may pose challenges to the legitimacy of the regime in power. Such coalitions of the marginalized may undermine the prevailing political settlement in a country and when not handled with inclusivity criteria in mind, may scuttle state building efforts especially in an ethnically fragmented country. The voices of discontent in Kenya's urban spaces as evidenced by the rising of ethnically inclined violent gangs, region based militia such as the Mombasa Republican Council (MRC) are all indicators of the challenge posed by perceived exclusion in a society.

Finally, social exclusion contributes to bad economics. It creates inefficiencies in an economy. When segments of a population suffer various forms of exclusion, this tends to undermine opportunities for the marginalized to make a contribution to the economic activities of a country. This reduces their contribution in an economy. For instance, when children cannot access education due to ethnic marginalization, this undermines their prospects of getting skills critical for their own advancement in the future and that of their communities. Furthermore, failure by the state to provide essential social services such as access to health care in marginalized regions, the overall impact is on the country's economy due to the costs associated with ill health, time wasted in accessing health care or deaths liked to limited health care provision. Inclusion

provides the once excluded categories of people with the skills, tools and resources critical in enhancing their contribution in an economy. Thus, fighting social exclusion is an economic imperative for sustained economic growth in a country.

1.3    The Kenyan Context

Since independence, the country's development discourse has focused on the need to spur economic growth, freedom from exploitation and equal opportunities, high and growing per capita incomes equitably distributed among the population. However, while the economy has expanded over the years, the issue of equity remains a challenge. Kenya's experimentation with development strategies such as emphasis on local communities rather than national-level state led development, focus on basic needs, redistribution with growth, economic restructuring and the current emphasis on market led development appears to have not been effective in resolving the issue of equity.

However, following the change of regime from the Kenya African National Union in 2003, to the then ruling National Rainbow Coalition provided the country with new impetus to resolve issues around social justice, various forms of marginalization including the issue of ethnic minorities as well as undertaking wide ranging institutional reforms. It is during the period 2003 – 2007 that the issue of social justice and equity dominated development discourse in the country. The same narrative has continued through the successive regimes from 2007 to current. Although, public discussions around ethnic marginalization were anathema before 2003, the opening of political space in the country, coupled with constitutional reforms has created an environment for open and candid discussion around this issue.

The Constitution is explicit on the issue of equity and provides numerous safeguards to address marginalization in its various facets. This is highlighted under the national values, management of public finances, objects of devolution and the Bill of Rights. However, even with a progressive Constitution, regional inequalities remain an emotive issue in Kenya (KNBS and SID, 2013: 2). The KNBS and SID report attributes these regional disparities to structural disparities in accessing opportunities. For instance, the report notes some regions like Nairobi and Central Kenya have high Human Development Index (HDI) of 0.773 and 0.637 respectively, and are comparable to high and medium HDI countries like Seychelles (0.773) and Botswana (0.633). This is in comparison to parts of the Northern Kenya that have a HDI of (0.417) and can be compared to low HDI countries like Malawi and Afghanistan (KNBS and SID, 2013: 2).

From the KNBS and SID (2013) report, regional disparities cut across all the sectors of the economy, but pronounced in access to education, water, sanitation, and electrify among other variables.  For instance, the report shows that individuals in Nairobi have 15.4 times more access to secondary education or higher education than those living in Turkana County. These examples are important in this analysis since regional disparities in Kenya are a replication of ethnic inequalities in the country. Figure 1 illustrates the proportion of population with no education, primary education only, and secondary or higher education at the county level, while Table 1 shows the regional variations in access to various basic services across the country.

**Figure 1: Proportion of population with no education, primary education only, secondary education or higher at county level**
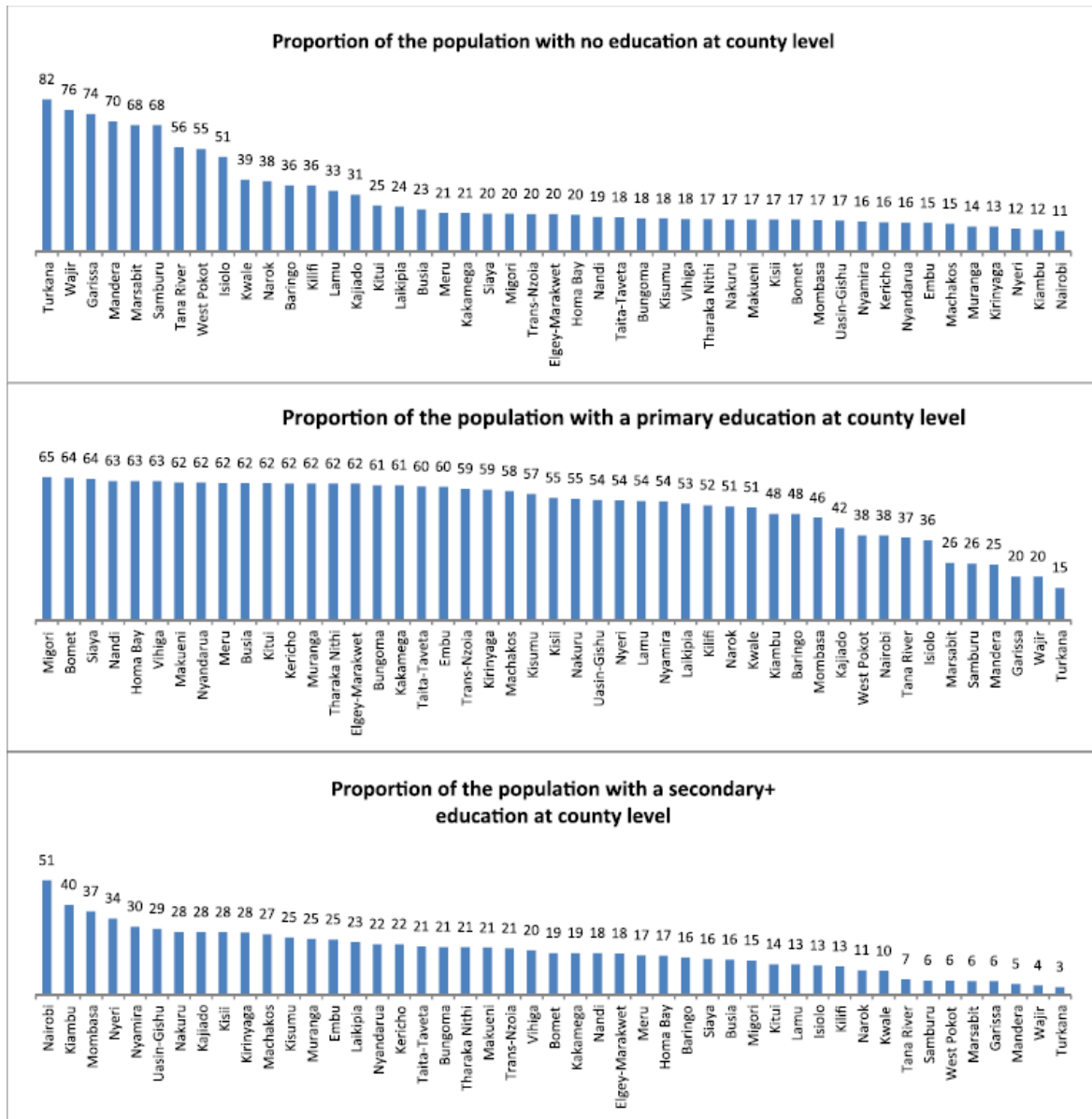


Source: KNBS and SID (2013: 26).

**Table 1: A summary of the basic services across the counties, Kenya**

| | | % Clean Water | % Improved sanitation | % With electricity | Teachers-Pupil ratio (Primary) | Health facilities – population ratio | Nurses-population ratio | Doctor-population ratio | Paved roads (KM) | Graveled roads (KM) |
|---|---|---|---|---|---|---|---|---|---|---|
| **National** | | **53** | **61** | **23** | **1:28** | **No data** | **No data** | **1:16,521** | **No data** | **No data** |
| 1. | Isiolo | 59 | 40 | 40 | 1:87 | 1:4,144 | 1:4,144 | 1:8,100 | 34 | 215 |
| 2. | Bomet | 30 | 68 | 15 | 1:42 | 1:6,147 | 1:2,727 | 1:22,000 | 237 | No data |
| 3. | Meru | 59 | 78 | 13.7 | No data | 1:5121 | 1:1,240 | 1:10,820 | 226 | 267 |
| 4. | Marsabit | 38 | 27 | 7.7 | 1:60 | 1:3,302 | 1:1,218 | 1:22,893 | 357 | 2,630 |
| 5. | Nyamira | 49 | 67 | 6 | No data | 1:3,008 | 1:1,385 | 1:18,046 | 80 | 200 |
| 6. | Kisii | 51 | 64 | 46 | 1:50 | 1:7,865 | 1:1,701 | 1:17,058 | 171 | 700 |
| 7. | Murang'a | 41 | 68 | 13.8 | 1:34 | 1:3,526 | 1:2,740 | 1:38,103 | 386 | 1,313 |
| 8. | Kiambu | 75 | 80 | 54 | 1:38 | 1:5,279 | 1:1,300 | 1:17,000 | 2,033 | 1,480 |
| 9. | Kakamega | 61 | 84 | 6 | 1:53 | 1:7,801 | 1:2,658 | 1:34,916 | 260 | 1,702 |
| 10. | Mombasa | 76 | 82 | 59 | 1:41 | 1:19,315 | 1:18,678 | 1:11,875 | 257 | 127 |
| 11. | Tharaka Nithi | 46 | 60 | 8.3 | No data | 1:3,806 | 1:740 | 1:16,958 | 61 | 55 |
| 12. | Nandi | 37 | 72 | 6.2 | 1:38 | 1:7,030 | 1:284 | 1:53,333 | 183 | 350 |
| 13. | Nairobi | 84 | 88 | 72.3 | 1:56 | 1:13,500 | 1:2,069 | 1:7,819 | 423 | 54 |
| 14. | Vihiga | 63 | 87 | 6.9 | 1:42 | 1:6,718 | 1:2,400 | 1:85,000 | 202 | 374 |
| 15. | Garissa | 57 | 22 | 15.4 | 1:61 | 1:6,046 | 1:2,453 | 1:41,538 | 230 | 304 |
| 16. | Machakos | 37 | 61 | 7.0 | 1:50 | 1:8,258 | No data | 1:62,325 | 375 | 10628 |
| 17. | Nyandarua | 60 | 74 | 10.6 | No data | 1:6,558 | 1:2,150 | 1:155,188 | 224N | 530 |
| 18. | Mandera | 38 | 16 | 3 | 1:88 | 1:12,572 | 1:25,000 | 1:114,000 | 0 | 494 |
| 19. | Laikipia | 50 | 68 | 18.1 | 1:38 | 1:5,084 | 1:1000 | 1:12,500 | 226 | 267 |
| 20. | Trans Nzoia | 65 | 74 | 9 | 1:48 | 1:10,875 | 1:2,153 | 1:18,257 | 154 | 167 |
| 21. | Lamu | 53 | 57 | 17 | No data | 1:2,698 | 1:1,034 | 1:9,546 | 6 | No data |
| 22. | Kilifi | 64 | 42 | 17 | 1:59 | 1:5,914 | 1:3,396 | 1:42,625 | 326 | 542 |
| 23. | Siaya | 36 | 49 | 4.3 | 1:49 | 1:3,365 | 1:1,697 | 1:38,511 | 283 | 741 |
| 24. | Turkana | 39 | 9 | 2.2 | 1:64 | 1:9,037 | 1:5,200 | 1:70,000 | 505 | 587 |
| 25. | Kwale | 47 | 30 | 10.6 | No data | 1:8,801 | 1:2,072 | 1:23,735 | 188 | 425 |
| 26. | Wajir | 38 | 7 | 3.4 | 1:66 | 1:8,087 | 1:4,163 | 1:132,000 | 0 | 440 |
| 27. | Kajiado | 66 | 56 | 40 | 1:60 | 1:3,790 | 1:1,068 | 1:26,094 | 300 | 932 |
| 28. | Uasin Gishu | 74 | 78 | 28 | No data | 1:6,012 | 1:2,331 | 1:10,034 | 300 | 549 |
| 29. | Nakuru | 60 | 76 | 33.9 | 1:56 | 1: 25,670 | No data | No data | 912 | 1111 |
| 30. | Kitui | 26 | 52 | 4.8 | 1:41 | 1:4,177 | 1:1,962 | 1:22,000 | 225 | 278 |
| 31. | Samburu | 34 | 20 | 5.8 | 1:51 | No data | 1:875 | 1:32,000 | 350 | 1,007 |
| 32. | West Pokot | 25 | 27 | 3.0 | 1:52 | 1:8,051 | 1:2,192 | 1:57,385 | 151 | 349 |
| 33. | Migori | 28 | 52 | 5.2 | No data | 1:5,009 | 1:1,500 | 1:55,000 | 105 | 482 |
| 34. | Homa Bay | 28 | 42 | 3.0 | 1:38 | 1:4,589 | 1:500 | 1:40,000 | 203 | 458 |
| 35. | Busia | 61 | 61 | 5.5 | 1:64 | 1:10,927 | No data | 1:41,200 | 586 | 378 |
| 36. | Kericho | 40 | 63 | 10.6 | No data | No data | No data | No data | No data | No data |
| 37. | Makueni | 36 | 56 | 5.7 | 1:37 | 1:7,123 | No data | 1:22,712 | 453 | 555 |
| 38. | Kirinyaga | 53 | 83 | 16.4 | 1:38 | 1:2,860 | No data | 1:36,339 | 107 | 462 |
| 39. | Elgeyo Marakwet | 37 | 51 | 7.0 | No data | No data | No data | No data | No data | No data |
| 40. | Embu | 49 | 65 | 14.3 | 1:32 | 1:3,576 | No data | No data | 120 | 548 |
| 41. | Kisumu | 54 | 57 | 18.3 | 1:51 | 1:12,483 | 1:2,383 | 1:44,634 | 286 | 725 |
| 42. | Taita Taveta | 64 | 67 | 42.8 | 1:39 | 1:3,968 | 1:1,142 | 1:19,138 | 199 | 138 |
| 43. | Tana River | 42 | 22 | 2.4 | 1:40 | 1:3,691 | 1:18,168 | 1:60,976 | 300 | 276 |
| 44. | Narok | 20 | 35 | 5.9 | No data | No data | No data | No data | No data | No data |
| 45. | Baringo | 24 | 39 | 9.3 | 1:25 | 1:3,455 | 1:4,906 | 1:57,381 | 339 | 2,035 |
| 46. | Bungoma | 72 | 72 | 4.4 | 1:51 | 1:12,171 | 1:33,333 | 1:64,000 | 509 | 1,128 |
| 47. | Nyeri | 64 | 74 | 26.2 | 1:28 | 1:4,489 | 1:834 | 1:7,610 | 450 | 1,390 |

Source: County Integrated Development Plans, 2013; Kenya National Bureau of Statistics (KNBS) and Society for International Development (SID) 2013; 2009 Kenya National Population and Housing Census, and data collected during the County Capacity Assessment funded by USAID under the Agile and Harmonized Assistance to Devolved Institutions (AHADI) and conducted by the Institute for Development Studies (IDS), University of Nairobi.

The narrative on regional and ethnic inequalities is bound to change following the adoption of a devolved system of governance in the country in 2013. The counties are now in charge of fourteen functions as provided under the Fourth Schedule of the Constitution. These functions include agriculture, county health services, county transport services, trade development and regulation, county planning and development, pre-primary education and village polytechnics. The County Governments receive dedicated share of revenue of not less than 15 per cent of revenue raised nationally to discharge their mandate. Besides this, the Constitution provides for an Equalization Fund aimed at `providing basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to being the equality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as –possible' (Article 204 (1) (2)). Thus, if these resources are prudently used, they are likely to help in resolving some of the regional disparities across the country.

However, beyond the promise of the new constitutional order, Kenya's continues to grapple with ethnic and regional based voices of exclusion. Some of these include the Mombasa Republican Council (MRC) based at the Kenyan Coast with their slogan *"Pwani si Kenya" or "Coast is not Kenya",* intensification of extremist groups such as the *Al Shaabab* and its affiliates spread across Kenya's Northern frontier and the Coastal region, and numerous urban based violent gangs that often have ethnic leanings. Evidence shows that these groups are exploiting the mistrust between different ethnic groups and spreading insecurity across large areas of the country and could be linked to the Country's exclusionary political and economic practices (Lind and Dowd, 2015: 1 - 2). In addition, extremist groups like the *Al Shaabab* are weaving together local ethnic and religious grievances with the politics of Kenya's military involvement in Somalia. Accordingly, while the Constitution provides the basic framework to reconstruct the Kenyan state to a more equitable, progressive, just and peaceful society, more needs to be done to address the challenge posed by grievances around the issue of ethnic or religious marginalization across both the urban and rural spaces.

1.4    Methodology

This review is part of five countries study cooperating under the research programme "Socially Inclusive Cities Network", whose focus is on how research might help reduce social exclusion of ethnic and religious minorities. The five countries are India, Kenya, Vietnam and the United Kingdom. Across the five countries, the review examines social exclusion of ethnic and religious minorities in education, health, local government and police services. The focus of this review is on Kenya.

The review follows a standardized methodology agreed upon by the network. In identifying the publications for review, the first step involved title and abstract screening. A single reviewer manually examined titles and abstracts of records identified through the searches of electronic databases to assess eligibility. Eligible publications described strategies for the social inclusion of minority ethnic or religious populations in public services in the country. The second step in the review involved full-text screening. The full length reports of all studies selected from the first level of screening was obtained. Detailed manual examination of the full length reports was undertaken independently by pairs of reviewers to assess inclusion. Reviewers then met to compare and discuss their assessments with a goal of resolving areas of disagreements.

In organizing the review, a comprehensive table was generated, following an agreed template with the research network. The table contained the study identification and a statement on the ethnic or religious minorities the publication focuses on, the study design, participants, strategy for intervention, the target and finally the summary of results. In presenting the summary of result for each publication reviewed, emphasis was laid on key findings; strengths and limitations of the study; potential bias including non-validated statements or non-involvement of people from the minority ethnic and religious groups studied; key drivers of exclusion and how exclusion is explained, details of the intervention and theories about impact of key findings and their effectiveness; impact of context, age, gender and migration status; and finally models of collaboration between different stakeholders.

In presenting the evidence, the synthesis follows the structure provided by the network under the "Evidence Review Methods". The structure outlines the issues as well as the structure of the country and global report. The review focuses on social exclusion, strategies for inclusion and finally, future research as outlined in the "Evidence Review Methods" document.

## 2    Social Exclusion

### 2.1    Ethnic and Religious Minorities and Social Exclusion

In the Kenyan context, both ethnic and religious social exclusion are closely intertwined. In some instances, the distinction between ethnic and religious minorities in Kenya is often blurred. This is especially among the Kenyan Muslims, who by virtue of being in a predominantly Christian country, form one of the minority religious groups in the Country. The 2009 National Population and Housing Census for Kenya show that Christians account for over percent of the Kenyan population, followed by Muslims at 11.1 percent. However, there are other minority religious groupings in the country. Such religious groups include the Hindus, Jains and traditionalists. New entrants into Kenya's religious minorities are the Atheists.

According to the 2009 National Population and Housing Census, Kenya had 38.6 million persons, with nine of the country's 42 ethnic groups accounting for over 85 percent of the total population. The nine large ethnic groups in Kenya are:  Kikuyu, Luhyia, Kalenjin, Luo, Kamba, Somali, Kisii, Mijikenda and Meru. These nine tribes have dominated Kenya's political and economic discourses in varied degrees since independence.

The character of social exclusion not only varies with context but also across space. For instance, the discourse of social exclusion differs along a rural-urban continuum. Further, in most of the rural Kenya, there is widespread homogeneity in terms of the ethnic composition of the people who inhabit those areas as compared to the urban contexts where there is pronounced heterogeneity. This has implications on the character and the intensity of social exclusion across space.

Another notable issue is that, although there are around nine large ethnic groups in Kenya, in the urban spaces, some of these ethnic groups could be considered minority depending on their relative numerical strength in the urban space in question. For instance, in the urban areas of

Western, Nyanza, Rift Valley, North Eastern, Coast, and Eastern, the Kikuyu could be considered the minority ethnic group even though it is the largest ethnic group in the Country. The same predicament holds for members of other ethnic groups in urban spaces in Counties that are away from their 'mother' regions. For instance, a Luhyia or Luo in any other urban spaces apart from those of Western Kenya and Nyanza respectively, are considered ethnic minorities in the new spaces, given their numerical strength in their new localities. Thus the issue of ethnic minorities in the Kenyan context is a highly dynamic issue.

Furthermore, there is extremely limited representation of the members of Kenya's ethnic minorities in the country's urban spaces. Such communities include El Molo, Endorois, Dahalo, Ogiek, Nubians, Yaaku, Garreh-Ajuran and the Edo among others. They largely inhabit rural areas. Members of most of these minority ethnic groups in the Country occupy remote and often geographically isolated parts of the Country.

Moreover, on ethnic and religious minorities in Kenya there is the connection between economic empowerment and the character of social exclusion. In some instances, an ethnic group could be numerically small, but economically powerful hence redefining the character of social exclusion. A good example of this perspective is the Kenyan Asian community who occupy Kenya's urban spaces in a number of Kenyan towns. They are numerically inferior, but in some of these urban spaces they own and control the means of production, and are able to influence political processes.

A final note on ethnic and religious minorities in Kenya is the tendency for conscious segregation in Kenya's urban settlements especially among the relatively poorer communities. In this case, members of varied ethnic groups in the country, occupy certain enclaves within the urban spaces, a phenomenon that serves to reinforce exclusion. This tendency is largely explained by the migration trend where new migrants first live with ethnic mates as they look for opportunities in urban areas. In many cases once they get jobs they end up settling around people of the same ethnic group largely explained by the networks they use to get accommodation. However, this gets blurred among the members of the upper class in the urban spaces, who use very difference approaches, including estate agents and broad networks leveraged in school and the world of work.

Thus, ethnic and religious exclusion in Kenya's urban spaces vary with the numerical strength of the ethnic or religious group, economic muscle, political positioning, as well as their distance to their 'mother' region. However, social exclusion among Kenya's ethnic and religious minorities is more pronounced in the Country's large urban centres such as Nairobi, Mombasa, Kisumu, Eldoret and Nakuru. Some of the most commonly cited ethnic minorities in Kenya's urban spaces include the Nubians of Kibera slums in Nairobi, persons of Somali origin and Asians (Jaji, 2014; Abubakar, et al., 2014; The Equal Rights Trust, 2012; Mwangi, 2012 and Murbe, 2011). On religious minorities the most commonly cited groups are the Muslims, Hindus and increasingly the Atheists.

Inequalities linked to ethnic and religious minorities in Kenya have numerous adverse effects on them. For instance, persons of Somali origin suffer direct discrimination of citizenship as a result of their ethnic orientation (The Equal Rights Trust, 2012: IV). The Nubians of Nairobi's Kibera

slums also suffer a similar predicament. In both cases, they have difficulties in accessing identity documents such as the Kenya National Identity Card as well as the Kenyan Passport. This results to a pool of members of ethnic minorities who can be classified as being 'stateless' by virtue of lacking the critical Kenya identity documents. This makes it difficult for such groups of people to acquire property, as well as access government services including health and education, thus limiting opportunities to improve themselves and their communities.

Members of ethnic minority groups without national identity documents also face police harassment, detention, extortion and limited political participation. In the case of the Nubians, they are forced to live in temporary settlements and are more likely to suffer disproportionate effect of slum clearances and forced evictions (The Equal Rights Trust, 2012: V). Apart from being prone to be stateless, Nubians also suffer double marginalization by being Muslims, given the dominance of Christian population in their context (Murbe, 2011: 102).

The discourse on religious minorities and social exclusion is less overt as compared to ethnic minorities and social exclusion. It is common practice in the Kenyan context to eclipse religious marginalization with ethnic marginalization. In this case, the character of social exclusion suffered by a certain religious minority tends to arise largely because of their ethnicity, rather than their religion. One such example is the Hindu, a religion attributed to persons of Asian descent as well as the Kenyan Muslims.

In the case of the Muslims, the debate around the Kadhi Courts during Constitution making provided a space for contestation between the Christians and the Muslims (Mwangi, 2012: 50). The debate demonstrated the tensions in relations between Christians and Muslims in Kenya and the tendency to link global terrorism with Islam. For instance, in advent of Kenya's military operation in Somalia from 2011, there were isolated but numerous terrorist acts in Nairobi, Mombasa, Garissa and Madera. Given the deep-seated suspicions between Christians and the Muslims, there was a growing narrative of associating the terrorist attacks with the Muslim community. However, this narrative has been countered with joint counter-narratives from both the Muslim and Christian fraternity leadership in the country. This effort has served to reduce the tension between the two religious groups in the country. However, the global discourse on terrorism and its perceived association with Muslims fuels the labeling and stereotyping of Somalis in Kenya as aggressive and violent (Jaji, 2014: 636).

## 2.2    Drivers of Ethnic and Religious Exclusion

As stated, the character of social exclusion is dynamic and varies in space and time. Thus the drivers of exclusion also vary and are numerous. Further, the drivers of ethnic and religious exclusion are inter-linked. In this case most of the factors that contribute to ethnic exclusion may also worsen existing religious marginalization or breed new forms of marginalization.

One of the often cited sources of exclusion was the character of the governance system created by the colonial regimes in Kenya. The colonial state in Kenya was highly exclusive to the detriment of the indigenous groups. Investments in physical infrastructure, social service such schools and health facilities went to the Whites, Asians and Africans in that order. These services and facilities were distributed along favoritism norms (Alwy and Schech, 2004: 272). However,

the primary motivation for such investments during the first three decades of colonialism was not service to the African people but to the settler White Minority. To paraphrase Walter Rodney (1972: 209): *The Arusha Declaration powerfully and simply expressed one of the deepest truths of the colonial experience in Africa when it stated that – 'We have been oppressed a great deal, we have been exploited a great deal, and we have been disregarded a great deal".* Thus colonialism was at best a system of oppression, exploitation and exclusion.

Second, the post-colonial Kenyan state inherited and perpetuated oppression, exploitation and exclusion to the Kenyan ethnic communities depending on the perceived proximity to the regime in power. This has had far reaching implications on the development outcomes in various parts of the country. Evidence shows that regions and ethnic communities that have produced the president have relatively better social services (e.g. health, and education) as well as physical infrastructure as compared to those perceived to be in the regions that have not produced the president (Kimenyi, 2012). Such narrative has been linked to the relative level of development in Central Kenya and parts of the Rift Valley, two regions that have produced the country's four presidents.

Governance practices in post-colonial Kenya have tended to be exclusionary in nature (Odhiambo, 2016: 3). Favoritism is evidenced in resource distribution, public appointments and entrenched culture of patronage in the governance systems of the country. An ethnic group's ability to contribute to national level elites who influence national discourses approximates that particular ethnic groups influence and thus potential benefits. Failure by an ethnic group to have its elite at the table of influence peddlers can have devastating effects on the development prospects of that ethnic community. Such has been the character of the post-independent Kenyan state as well as the nature of the country's political system.

Tied to the character of the Kenyan state is the nature of political parties in the country. In established democracies, political parties offer invaluable spaces for the public to influence police discourses in a country. Political parties in Kenya are weak and exhibit low level of institutionalization. They are also devoid of meaningful ideological grounding. Further, these political parties tend to be ethnic in nature and have limited national appeal. However, the dominant political parties' terrain in Kenya is an arena dominated by the large ethnic groups in the country, thus limiting the opportunities for minority ethnic groups to influence national public policy, unless they form coalitions with major parties.

At independence, both the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) were largely political parties with a measure of national appeal. KANU advocated for a centralized form of administration, while KADU was in favor of decentralized form of administration, fueled in part by fear of domination by the larger tribes. After the dissolution of KADU in the early 1960s Kenya reverted back to a centralized form of government until 1992 when Kenya returned to multiparty democracy. However, the kind of political parties that emerged from this period have been more ethnic and lack a national appeal. To promote inclusiveness and gain winning numbers, various political parties have coalitions. This began in 2002/3 when the National Rainbow Coalition was formed, followed by formation of Coalition for Reforms and Democracy (CORD) in 2013, and in 2017 the formation of Jubilee and National Super Alliance (NASA). These coalitions are formed during national elections and

individual political parties forming the coalitions are rooted in specific ethnic communities in the country. Thus individual political parties in Kenya are largely vehicles for exclusion, and at a second level they try to be inclusive by forming coalitions which bring on board other smaller parties.

Further, even when political parties capture state power, the winning coalition seldom champions a nationalistic inclusive agenda. As Michella Wrong (2007) vividly argues, it becomes the new elites turn to eat. Those perceived not to be part of the ruling coalition are largely excluded in appointments as well as other advantages of an incumbency. Take for instance the current Jubilee administration whose top level appointments are almost shared between the Kalenjin and the Kikuyu who are the main partners in the coalition. Thus, increased ethnization of Kenyan politics, has deepened a sense of exclusion among minority groups and hence a driver of exclusion in the country (Korir, 2012: 11). A similar strand of thinking is captured by Karingai (2006: 15) who points out that, senior civil servants may misdirect public spending in favour of certain regions or projects. Hence, the perceived benefits of the president to their ethnic group has been the subject of reforming the Kenyan state for a more inclusive and equitable public administration. Part of this was achieved through devolution of power and resources to the County governments, although the results remain mixed.

Third, social exclusion in Kenya is driven by geography and agro-climatic positioning. While this may be a variable for rural areas, it does portend adverse effects on the development outcomes in urban centers located in arid and semi-arid parts of the country. Since Kenya's independence, government investments in arid and semi-arid (ASAL) areas of Kenya remain low. In a study of inequalities in Kenya, Kenya National Bureau of Statistics (KNBS) and Society for International Development (SID) show that access to basic social services such as education, drinking water, improved sanitation and power is limited as compared to the relatively agro-climatically endowed regions of the country. For instance, the KNBS and SID (2014: vi) shows that *"individuals in Nairobi County have 15.4 times more access to secondary education than those living in Turkana County. They also have 2.2 times more access to secondary education than an average Kenyan while those living in Turkana County are seven times less likely to have access to secondary education than an average Kenyan.*

Fourth, is the issue of unequal distribution of national wealth, a factor that could be as a result of dysfunctional state institutions or linked to the ethnic based settlement patterns. In some instances, some ethnic communities have been disposed of their ancestral land and resource rights in addition to distortion of their livelihoods to make way for the establishment of national parks, game reserves, forest areas and economic activities (Korir, 2012: 11). A good example in this case is the Maasai who have suffered the brunt of development linked displacement. The Nubians in Kibera slum of Nairobi also suffer in terms of insecure land rights on the basis of their contested citizenry. Furthermore, the inequitable distribution of land and political power in favor of particular ethnic groups and strong grievances of the people who feel excluded are the root cause of sporadic incidents of violent conflicts (Hamaguchi, 2010: 6). Ethno-regional disparities in development in Kenya are also reported in Kanyinga (2006).

Fifth, is the country's constitutional and legal framework. According to Korir (2012:3), the country's previous constitutional order alienated most citizens from the state, but minority and

indigenous communities have borne the brunt of exclusion. Furthermore, the author argues that the old constitutional order strengthened and reproduced differences between Kenya's diverse groups, mainly ethnic and religious. However, the new constitutional order for Kenya, adopted after a referendum in 2010, accords protection to minorities, marginalized communities and marginalized groups and often uses these terms interchangeably (Korir, 2012: 7). Nevertheless, although policy recognition of minorities is an important gain, legislative and administrative implementation remains a challenge (Korir, 2012: 3). Furthermore, there is a weak legal framework for integration of urban refugees.

Sixth is the role of the socialization process. At birth, the child's mind is free of ethnic biases. Thus, it is natural that children up to a certain age get along very well with their colleagues irrespective of their ethnic or religious background. However, as they grow, they are introduced to ethnic prejudices and thus begin internalizing the perspective of "us" vis a vis "them". This socialization bonds becomes so strong that, it becomes difficult to break. It is in this context that various ethnic stereotyping exists across the country and incidentally even in the urban spaces. For instance, following sporadic terrorist acts in Kenya by the *Al Shabaab* militia group, there is a growing narrative of associating the terrorists with certain ethnic predisposition as well as religious orientation. Thus it has become incumbent upon the significant others in the children's socialization process to develop a counter-narrative so that children do not entirely internalize this position, since it has the potential of breeding mistrust in the society and especially in the rather heterogeneous urban spaces.


2.3    Migration, Gender and Social Exclusion

Social exclusion is often associated with age, ethnicity, religion, level of formal education, socio-economic status, migration, rural-urban dichotomy as well as gender. This section explores the issue of the role of migration and gender in accounting for social exclusion of ethnic and religious minorities. In Kenya, persons who migrate to urban spaces away from the conventional refugee camps face numerous challenges. As Pavanello, et al., (2010: 7 - 8) points out, urban refugees are vulnerable and are regularly subjected to harassment and extortion especially by the Kenyan police, experience verbal or physical abuse at the hands of the police, higher exposure to violent crimes, confusion over documentation procedures of urban refugees, precarious living conditions and poor access to health and education services. This challenge is likely to persist in the Kenyan context given the new dynamic where refugees are shifting away from a predominantly camp setting to urban areas.

Another dynamic n the link between migration and social exclusion is the tendency by people in Kenyan urban spaces to cluster in areas where their "own" have settled. For instance, in Nairobi the ethnic Somalis cluster in Eastleigh and South C areas. The Asians in Nairobi also have their territory, largely in Parklands. Such a trend reduces opportunity for integration with the other ethnic groups hence undermining efforts aimed at enhancing togetherness, inter-cultural dialogue and trust.

Apart from migration, gender has a close linkage with social exclusion. Studies by Odhiambo (2016), and Abuya, et al., 2014 highlight the role of gender in accounting for social exclusion. For instance, Odhiambo, (2016: 201) points out that higher education institutions in Kenya are

still male dominated, hierarchical and hostile to women and the often taken-for-granted gender assumption and beliefs at institutional, social, relation and individual levels operate to make women conform to structures of disadvantage and in effect sustain repressive gender relations.

Being a highly patriarchal society, women from minority ethnic groups in Kenya face much more disadvantages than other women from the larger ethnic groups. In this case, women from minority ethnic groups suffer a form of duo tragedy: first by being disadvantaged for belonging to a minority ethnic group and secondly by being women in a patriarchal society. Despite the efforts made, women in Kenya are disadvantaged in access to education and finance. For instance, as Abuya, et al., (2014: 381) notes, gender norms and identities, constructed historically but subject to change, play a crucial role in determining girl's education.

2.4    Social Exclusion, Social and Economic Mobility

Social exclusion is detrimental to a country's growth prospects. Inequalities and marginalization limit opportunities for particular segments of the society to make a meaningful contribution to the country's economy. Social inequality and ethnic marginalization affects social stability, suppresses expansion of the lower and middle class and the country's economic growth and development potential (Oino and Kioli, 2014: 727). Social inequality in the context of ethnicity fuels corruption and unequal distribution of national resources.

In Kenya's urban areas, the refugees often pay higher rents than members of other communities, considered local, are changed more for public health services and some schools request an "admission fee" before admitting refugee children, despite the fact that primary education is meant to be free to all (Pavanello, et al., 2010: 8). Provision of education to refugees is a powerful tool for empowerment. According to Crea and McFarland, (2015: 244) students who are refugees view education as a hope for a better future, as a way to give back to their community when they return home, resettle or stay within their refugee community.

Minorities and indigenous peoples in Kenya are poorer than in other communities, their rights are not being respected and they are excluded in the development process (Makoloo, 2005: 2). In societies where political patronage is widespread, ethnic groups that are not represented or are underrepresented in national level decision making are at the risk of marginalization. Ethnic minority groups suffer disproportionately compared to larger ethnic groups that may not have a stake in the country's top leadership. However, as Makoloo (2005: 2) notes, the poverty of the marginalized communities is compounded by the lack of official (and unofficial) data disaggregated by ethnicity, thus keeping the problem of minority and indigenous poverty hidden and unaddressed.

Although social exclusion largely works to the disadvantage of ethnic and religious minorities, there have been exceptions where ethnic minorities have better opportunities for economic mobility. This is the case for the Kenyan Asians and the Arab communities. Though being minority groups and immigrant these two groups have been able to build a strong economic position that gives them a comparatively high social economic status. This is unlike in the West where immigrant communities often occupy low socio-economic status and their opportunities for upward mobility are constrained. Historically, the Kenyan Asians and the Kenyan Arabs have

been able to establish profitable enterprises spanning in all sectors of the economy hence making a critical contribution to the country's economic growth. Thus although they may be a numerical minority, their relative wealth allows them to build up social structures for their own communities that support them and might buffer them against any negative effects of immigrant or minority status ( Abubakar, et al, 2014: 100).

## 3    Strategies for Inclusion

### 3.1    Challenges, Priorities and Issues

This section identifies key challenges, priorities and issues that have been identified in relation to social exclusion by people from minority ethnic and religious populations, public service practitioners, policy makers and researchers. As stated earlier, social exclusion in the context of religious minorities is largely reflected through experiences of ethnic minorities. The line separating the two is often blurred. What follows is an overview of the issues that can be discerned from literature on ethnic and religious minorities and social exclusion.

First is the issue of ethnicity and social exclusion. While volumes of data on inequalities in Kenya abound, official statistics are silent on ethnicity and inequalities in the country. Analysis and policy responses should also be more sensitive to intra-regional inequality. Reasons for this anomaly could be linked to the emotive nature of the question of ethnicity in the country. However, over the last one decade there has been an increasing discussion over the issue of marginalization in all its various facets e.g. ethnic, religious, gender and regional. The Constitution of Kenya has opened up this discussion further by making explicit provisions on the need to counter all forms of marginalization across the country. Perhaps, building on the Constitutional provisions, there has been an attempt to assess the issue of the ethnic composition of workforce across a number of sectors in the country.

The on-going openness in discussing ethnicity and labour force participation should be capture all sectors of the economy. For instance, it would be useful to document ethnic inequalities in access to health, education and finance among other sectors. Alwy and Schech, (2004: 272 – 273) notes that ethnicity should be placed at the forefront of analyses of education development in Kenya, as well as policy efforts in education. Such analysis would be central in creating ethnic profiles in view of access to education at all levels. It would be interesting to find out, how the ethnic minority groups are fairing in terms of access to post-secondary education in the country and possible factors that account for the emerging trends. Other points in the analysis of education sector with a focus on ethnicity would be on the distribution of qualified teachers, learning institution, performance in national examinations and other education resources. Such factors contribute to poor enrollment rates and education outcomes for ethnic minority groups such as the Swahili and Somali (Alwy and Schech, 2004: 273).

Data on ethnicity and social exclusion would be useful in helping amplify the message of equity across the country. It would also help lay bare the reality that has been masked over the years and thus offer the country opportunities to the question of negative ethnicity. It would also act as a useful tool towards negotiating a political settlement for a more inclusive and cohesive society. In the absence of data on inequalities and ethnicity, the analytical terrain is littered with

speculations and people's perceptions. Finally, such data would provide useful material for lobbying and advocacy.

Second, is the challenge of legal safeguards to protect and promote the rights of ethnic and religious minorities within Counties. The Kenya Constitution contains a number of provisions whose implementation can reduce the social exclusion of ethnic and religious minorities. Some of these provisions are Article 10 (2b), Article 21 (3), Article 27 (4), Article 100 (a – e), Article 2012, 203 and 204. Article 10 (2b) provides one of the national values and principles of governance focusing on the issue of "human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized". Article 21 (3) provides that "all state organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of the society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities". On equality and freedom from discrimination, Article 27(4) provides that "the state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth".

Article 56 (a – e) specifically targets minorities and marginalized groups stating that "the state shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups participate and are represented in governance and other spheres of life; are provided special opportunities in education and economic fields; are provided special opportunities or access to employment; develop their cultural values; languages and practices and; have reasonable access to water, health services and infrastructure. Further, safeguards on ethnic and other marginalized groups is provided for in Article 100 (a – e) while Article 174 (e) notes that one of the objects of devolution is to "protect and promote the interests and rights of minorities and marginalized communities.

However, although the Constitutional provisions are explicit on the need for equity and inclusion irrespective of one's ethnic or religious orientation, translating these provisions to practical steps remain a challenge. For instance, minority ethnic groups like the Ogiek of the Rift Valley and the Makonde of Kwale County have had to contend with court cases and sometimes protests to demand for their rights. The legal anchoring of these Constitutional provisions is weak and in some cases lacking.

Third, is the limited evidence on social exclusion of religious minorities as compared to prevalence of data on the social exclusion of ethnic minorities. On ethnic exclusion, there is ample evidence as to which ethnic minorities suffer various forms of exclusion across Kenya. On social exclusion of religious minorities, the only reference with some substantial literature is on the Muslim community and the debate on the Kadhi's Courts. Yet, Kenya is home to many other religious minorities. Such groups include the Hindus, Jains, Atheists and a host of new religious movements across Kenya. It is possible that members of these minority religious groups suffer various forms of exclusion, but remain undocumented. Consistent with the arguments advanced by The Equal Rights Trust (2012: 160), the challenge of lack of evidence of religious discrimination could be due to the fact that a number of Kenya's minority religious communities

are also ethnic minorities and as such the discrimination and inequality which they experience tends to be understood in relation to their ethnicity, rather than religion.

A fourth issue on social exclusion relates to the urban refugees. Increasingly, refugees are moving from conventional refugee camps to urban centres. This new dynamic requires development of policies and innovative strategies to address this new reality. As refugees move away from predominant camp settings, their migration to urban centres creates both opportunities and challenges for the new arrivals as well as the resident communities in the urban spaces. With their movement, is the question of the changing nature of the refugees' legal status as they move to urban centres. There is also the issue of what forms of documentation may be required to keep track of the refugees and offer them support when in need. Further, as Pavanello, et al., (2010: 9) notes, this new development calls for evolution of innovative strategies to bring together urban refugees and the surrounding Kenyan communities to increase dialogue and cultural exchanges, all leading to mutual understanding and respect. Also critical is the need to systematically assess the needs of the urban refugees.

A fifth issue with regard to social exclusion of ethnic and religious minorities is the need to map out the ethnic and religious minorities across the Counties of Kenya. As stated earlier, in some instances, an ethnic group with a numerical strength nationally may fall under the category of ethnic minorities if they reside in a County where there is a dominant ethnic group. Further, Counties are by law expected to adhere to the legal provisions on efforts to counter marginalization. Section 65 (e) of the County Government Act 2012, provides that at least 30 per cent of vacant positions at the entry level are filled by persons who are not from the dominant ethnic community in the County. Minority and marginalized in this case refers to persons employed in the County Public Service that are either from outside the dominant ethnic group or born in the County but come from an ethnic group that is numerically smaller than the dominant ethnic group. How this legal provision is being actualized in the Counties is an open question and there is dearth of hard data to show the extent to which Counties are adhering to the provision.

Sixth, is the need for a national conversation with regard to management of ethnic diversity in Kenya. This is especially critical in the context of adoption of identity politics of "us" vis-a -vis "them". Perhaps, such a conversation can draw from historical literature on narratives of the past and how various ethnic groups were connected to one another (Shelter, 2010: 648). Kenya's 2007/2008 post-election crisis could in part be connected to grievance identity politics of the character "us" vis a vis "them". As Makoloo, (2005: 2) notes, suppressing and denying ethnic diversity, leaving minorities in poverty and politically marginalized, is the quickest route to both inter-ethnic conflict. At the heart of such a conversation is the view that respecting minorities and indigenous peoples and making sure that development reaches all of Kenya's peoples is one of the surest ways of lifting the poorest out of poverty while at the same time delivering sustainable conflict-free development (Makoloo, 2005: 2). Further, dialogue on management of ethnic diversity in the Country will help nurture peace by putting inclusion at the center of development programmes in the country (wa Githinji and Holmquist, 2008: 344).

Seventh, is the question of ethnic minorities and the land question in the Country. Kenya's political terrain is littered with voices of failure by the Government of Kenya to resolve historical injustices. Top in the list of the often cited historical injustices is the land question. The

aftermath of Kenya's 2007/ 2008 post-election violence contributed to the displacement of tens of thousands of ethnic minorities especially in Kenya's Rift Valley, Western, Nyanza and parts of Nairobi who were perceived as "outsiders" by the mainstream ethnic communities in those regions. Rift Valley region is significant in that at the center of the ranging post-election conflict was the land question, that affected thousands of the Kikuyu as well as Kisii ethnic groups, more intensively than other ethnic communities. In particular, the Kikuyu in the Rift Valley are perceived as "outsiders" and thus the need to return back the land that is perceived to have been illegally taken away from the local dominant communities (Kalenjin and the Maasai). A similar struggle ensues for the Nubians in Kibera and the Ogiek of the Rift Valley. The latter recently won a case in an East Africa Court against the government of Kenya for being evicted out of the Mau forest which is their indigenous habitat.

A final priority issue is the emerging new dimensions in ethnic and religious exclusion. One such exclusion is digital exclusion. With both ethnic and religious minorities suffering various forms of social exclusion, it would be interesting to explore how the two social categories fare in the context of digital exclusion. This encompasses inequalities with regard to access to technology between various ethnic communities. This is also thought in the context of technological inequalities within individual counties and between counties (Ochara, 2008: 25). In Kenya, the Jubilee administration has put a lot of emphasis on e-government, with a wide range of services being offered on a digital platform. The question is to what extent, are members of ethnic minorities well equipped to embrace new digital platforms, or are they new sites for social exclusion. Unless addressed, unequal access to various forms of information, communication and technological platforms, and the ability to use these tools can potentially create a new form of exclusion as well as reinforcing existing patterns of exclusion in a society (Ochara, 2008: 25).

3.2    Social Exclusion and Public Institutions

Addressing social exclusion of ethnic and religious minorities is a complex undertaking and there are no straight forward solutions on how to resolve the issue. However, across societies, one of the most plausible frameworks of addressing social exclusion of ethnic and religious minorities is by reforming public institutions and making them effective in discharging their mandate. Public institutions are broad and cover the whole array of actors whose performance is under the auspices of public rather than private policy discourse. They include rules and public organizational structures providing various services to the public. They could be governance institutions; regulatory institutions; justice, law and order institutions among others. What follows is an overview of some of the broad strategies that have been adopted by the Government, non-governmental institutions as well as the minorities themselves.

Reforming the public institutions to be more inclusive and incorporate the participation of the minority and marginalized groups in those institutions, is of importance. The Kenyan Constitution has provided certain safeguards towards the inclusion and protection of the rights of ethnic and religious minorities in the Country's governance institutions. This thinking is also reflected in the governance institutions at the County level in recruitment of staff to the County Public Service Board. Further, Kenya's devolution agenda was predicated upon giving people at the local level an opportunity to have a say in how they are governed and involve them in determining development priorities for their County. Thus even in the Counties that were hitherto marginalized, have been given an opportunity to determine their own development

agenda. There have also been reforms in the justice, law and order institutions to make them more effective in service delivery, but also entrench respect for human rights. Another strategy in increasing the involvement of the ethnic minorities in the Country's governance system is through the provision of Article 90 (2c) that seeks to regulate the nomination of persons to the legislature. The Constitution provides that the lists submitted by parties for nomination to the legislature should reflect regional and ethnic diversity of the people of Kenya. Finally, there have been attempts to resolve long-standing political grievances in the country as part of the far reaching governance reforms. However, more needs to be done to resolve a legacy of past state violence towards minority populations and intra-regional inequality (Lind and Dowd, 2015: 3).

A second strategy that has been used in Kenya to resolve the problem of social exclusion of ethnic and religious minorities is through affirmative action. This has taken various forms. For instance, in the education sector, the Government offers bursaries to needy students at all levels of education. In addition, the Country has embraced a selective entry or alternative admission criteria for particular equity groups in the Country. For instance, pupils from primary schools in the marginalized Counties benefit from this scheme. Another affirmative action measure that has been used to address the issue of marginalization is through the establishment of an Equalization Fund. This fund is provided for under Article 204. Resources under the Equalization Fund are used to provide basic services such as water, health facilities, roads to marginalized areas with the goal of bringing the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.

Third, is through improved access to social services by the marginalized groups of people. For instance, humanitarian agencies and civil society organizations have supported refugees in Nairobi by improving access to social services, providing legal assistance, counselling and livelihood opportunities; and providing training to the police to better understand refugee rights (Pavanello, et al. 2010: 8). However, for ethnic minorities that reside in remote parts of the Country, access to essential social services is a challenge.

A fourth strategy that can be discerned from literature on resolving social exclusion for ethnic and religious minorities, is what can be considered as clustering and creation of counter-narratives by the marginalized groups. This strategy is evidenced among the Somali, Asians and the Arabs in Kenya's urban spaces. For instance, the Somali community counter local stereotypes by bonding together and clustering in Eastleigh, which enables them to engage in mutual assistance and cooperation. However, faced with these local stereotypes and exclusionary discourse, Somali refugees come up with counter-narratives that subvert and de-legitimize these stereotypes and discourses and portray social exclusion as enabling them to avoid cultural and religious "contamination" (Jaji, 2014: 647). In this case, although residential segregation reduces the chances for building inter-tribe trust and integration among different communities, it also offers them a space to maintain religious and cultural 'purity' thus portraying marginality as a space of self-preservation and continuity to them. Thus, Somalis, in this case are not helpless victims of circumstances as they create counter narratives that seek to de-legitimize politicization and criminalization of their religious and ethnic affiliations (Jaji, 2014: 634).

Fifth, is engaging with schools and communities in marginalized areas to improve academic outcomes, increase awareness of and aspirations for higher education attendance, and providing

students with the skills required to succeed at higher education (Odhiambo, 2016: 207). A similar approach has been applied in advocating for education programmes for refugees, with such an opportunity being seen as a hope for a better future as well as being a more productive member of the community.

Sixth, are efforts aimed at raising awareness on the importance of equity, national cohesiveness and integration. This approach is spearheaded by the National Cohesion and Integration Commission. This is a statutory body established under the National Cohesion and Integration Act, No. 12 of 2008 and draws its existence from the National Dialogue and Reconciliation Agreement of February 2008. The goal is to promote harmonious coexistence among Kenyans. This institution has created a platform for Kenyans to discuss the issue of ethnic diversity, while at the same time monitoring the adherence of the public sector institutions to counter-marginalization norms.

The final measure is through Constitutional reform and legislation. As noted earlier, Kenya's Constitution contains several provisions aimed at cushioning people from all forms of discrimination on the basis of ethnic and religious orientation and numerical strength. The character of the current Constitution is inclusionary in its letter and spirit. It was borne out of shared experiences of ethnic marginalization across various Kenyan communities and thus the need to create a constitutional framework that connects rather than disconnects the various ethnic groups in the country irrespective of their numerical strength. The Constitution has also entrenched the Kadhi's Courts into the Country's judicial system, presenting a key milestone for the protection of religious minorities in the Country (Mwangi, 2012: 41). However, more needs to be done in developing legislation to give effect to the constitutional provision on affirmative action for the marginalized groups and clarify the land provisions of the Constitution. This is of particular importance to resolving the question of historical land injustices among the Maasai and the Coastal communities (Korir, 2012: 5).

### 3.3   Assessing Effectiveness of Interventions

The impact of the various strategies aimed at resolving social exclusion of ethnic and religious minorities is mixed. Those strategies aimed at resolving the immediate social challenges faced by the refugees especially in the conventional refugee camps through provision of food, basic education and water have had a measure of success. However, those refugees integrated in the urban spaces continue to face challenges in their new environment. Part of the reason is the lack of funding and resources dedicated to assisting urban refugees as well as minimal research into specific refugee population and their needs (Pavanello, et al., 2010: 8).

In the education sector, the measures taken have seen more children from marginalized ethnic communities' access education in national level secondary schools through affirmative action. A similar success story can be reported on the role of education bursaries in helping children from poor backgrounds access education across the Country. However, a major drawback has been the limited opportunities for persons in the education fraternity to examine their assumptions and presumptions about poverty and exclusion (Unterhalter, et al., 2012: 230). The author further notes that, blaming the poor is not just offensive and counter-productive, but it actually limits the

potential for developing inclusion and social justices in schools which noble goals like Education for All seeks to achieve.

On governance and institutional reforms, the country has made progress in creating the requisite norms and structures that seek to strengthen inclusiveness and equity in service delivery. As envisioned under the Constitution, devolution discourages negative ethnicity, social inequality and enhances equitable distribution of wealth and opportunity throughout the country (Oino and Kioli, 2014: 727). However, as the County Governments structures take shape, emerging evidence points at the emergence of new frontiers of localized marginalization of the minority groups in ethnically homogenous Counties. This is despite the clarity in law on how these groups should be handled in recruitment to County public service. At the national level, ethnicity remains a challenge and attempts by successive regimes to address the vice have not borne fruit.

## 4    Future Research

### 4.1    Gaps in Current Evidence

There are a number of gray areas where evidence is needed so as to inform future policy directions among the various stakeholders involved in addressing social exclusion of ethnic and religious minorities in Kenya.  Some of the unresolved research issues are:

a.  Need to explore approaches that can be applied to broaden access to higher education in the country so as to enhance equity in education (Odhiambo, 2016: 207).

b.  Examination of institutional frameworks that promote trust among heterogeneous agents as well as a study on micro-foundations of ethnic bias and or exclusion (Hamaguchi, 2010: 6).

c.  A study on institutional reforms that could reduce the adverse consequences of ethnicity in the context of ethnic heterogeneity (Kimenyi, 2006: 94 – 95). The author notes that ethnic fragmentation is not good for development. It lowers trust, tax compliance and is associated with ethnic rent-seeking, inefficient wealth transfers and an overall under-provision of public goods.

d.  That there is scant research into the situation of the urban refugees (including the fact that funding and resources available to assist the urban refugees are limited). Thus there is need to conduct formalized studies to better grasp the reality of the urban refugees and how to support them (Pavanello, et al., 2010: 9).

### 4.2    Models of Collaboration

This review shows that there are various mechanisms and models of collaboration that can be identified that support partnerships between researchers, communities, policy makers and practitioners. One such mechanism is through enhanced support to relevant civil society organizations. This is through encouraging donors to prioritize support designed to enhance the capacity of the marginalized groups' civil society organizations to mount successful public

interest litigation to maximize the expanded potential of courts to mediate group and individual rights (Korir, 2012: 27). Another area for potential collaboration between the state, donors and civil society is in prioritization of the land provisions in the Constitution and the National Land Commission relating particularly to the transition of Trust Land to Community Land and the role of County Governments in land management (Korir, 2012: 27).

Another mechanism is through enhancing dialogue and cultural exchanges. Such a framework aims at creating opportunities for members of various ethnic communities and religious groups to interact, cultivate mutual trust and nurture harmony and cohesiveness. In the case of the refugees and especially the urban refugees who are often marginalized by the mainstream society, opportunities for dialogue and cultural exchanges are critical. In this regard, Pavanello, et al., (2010: 9) notes that humanitarian and development organizations need to use innovative strategies to bring together urban refugees and the surrounding Kenyan communities to increase dialogue and cultural exchanges, all leading to mutual understanding and respect. The donor community must also recognize the shifting of refugees from a predominantly camp setting to urban areas and to develop policies and provide funding to address this reality as well as specifically addressing the needs of refugee women and girls. Pavanello, et al., (2010) also notes that the United Nations High Commission for Refugees and the Government of Kenya should work together to improve the Refugee Status Determination system, which is currently backlogged and inefficient.

A final mechanism for collaboration between various stakeholders on the issue of social exclusion of ethnic and religious minorities is creating opportunities for knowledge generation and sharing. Key questions in this regard may include differing conceptions of social exclusion, dynamism in ethnic and religious minorities, strategies for nurturing inclusion of ethnic and religious minorities.

4.3     Future Research Designs

This review shows that almost all the reviewed publications on social exclusion of ethnic and religious minorities follow the qualitative research logic. The only variations to this line of thought are the articles by Abubakar, et al., (2014); Hamaguchi, (2010), and Kimenyi, (2006). This strand of literature limits the generalizability of the study findings. This gap in research can be abridged by adoption of mixed research designs that incorporate both qualitative and quantitative research designs.  Further, except the study by Makoloo (2005) that specifically focuses on ethnic minorities, most of the studies under review, address the issue of general ethnicity, inequality or exclusion. This calls for specifically targeted studies on ethnic and religious minorities in Kenya with an analytical focus on social exclusion.

5     Conclusion

This paper has presented existing evidence on the nature of social exclusion of ethnic and religious minorities in Kenya, strategies for inclusion as well as identifying gaps in evidence for future research. The issues under focus are education, health, local government and police services. As the literature presented shows, studies on this issue in Kenya are few and where they

exist, they are largely on general ethnicity, inequality and not specifically on social exclusion of ethnic and religious minorities. However, as the review shows, given Kenya's diversity in terms of ethnic composition and the shared experience of exclusion and domination of ethnic groups by others depending on their ethnic strength and proximity to state power and resources, management of ethnic and religious diversity is a critical ingredient to a more stable, just, peaceful and cohesive Kenya.

Thus, removing ethnic and religious based bottlenecks in access to essential public services such as health, education and police services is a key step towards enhancing the participation of these often marginalized groups to the country's development, but also affirming their citizenship. For Kenya to achieve this ideal, there is need to continue deepening institutional and governance reforms to entrench inclusiveness and reduce opportunities for inequality related conflicts and grievances. The review also profiles an often ignored issue of religious minorities that is often assumed under ethnic marginalization, yet it is a critical link in reducing unfairness in the society.

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