



Position Paper

How Ethnicity and Ethnic Politics Affects the Youth

1.0. Introduction

Kenya like most African countries is multi-ethnic and is perceived to be one of the most ethnically fragmented societies in Africa. Notably, there is no statistical evidence to confirm the exact number of ethnic groups in Kenya, as for decades the total number of ethnic groups in Kenya stood at 42 based on the census that was conducted in 1969. The 2009 Census found that there were more than 42 ethnic groups in the country. In particular, the 2009 population census listed no less than 111 ethnic groups in Kenya up from 42 in 1969, which is partly attributed to the success of the struggles by historically marginalized communities, such as the Endorois, Ogiek, and Sengwer, to be officially recognized by the state.

2.0. Ethnicity in Politics

It is evident that one cannot separate politics and ethnicity in many countries in Africa continent, based on this, ethnic identity has for long been perceived as major drivers of politics in the continent. Globally, and certainly in Africa, ethnic identity is frequently used by the political elites for their self-interest.

3.0. Ethnicity and Employment

The county government Act, 2012 calls for county governments to have clear checks and balances in the recruitment to enhance ethnic balance and inclusion in county employment. In this regard, there are three county organs that are responsible for county employment; i.e. the office of the Governor, The County Public Service Board and The County Assembly Service Board. On the same note, the Public Service Commission (PSC) is not left behind. As per Article 234(2i) of the Constitution, they should among other functions, hear and determine appeals in respect of county governments. In this regard, PSC is therefore a shared institution between the national and county governments. Section 65(1) of the Act directs that in selecting candidates for appointment, the County Public Service Board shall consider the standards, values and principles set out in Articles 10, 27 (4), 56 (c) and 232 (1) of the Constitution on equality and diversity. In this regard, the CPSBs should come up with monitoring and data management systems to have the details of all employees within the county whether recruited by it or not in order to understand whether the county public service has adhered or contravened the law that requires the board to ensure that at least thirty (30) percent of the

vacant posts at entry level are filled by candidates who are not from the dominant ethnic community. Contrary to the legal provisions on not recruiting more than 70% from one dominant tribe, the NCIC Study (2016), observed that new appointments made since the counties were established in 2013 to date had contravened the law. Only fifteen counties (31.9%) adhered to section 65 of the CGA by giving more than 30% of the vacancies to minority ethnic groups. Notably, 68.1% of the counties have hired more than 70% percent from one ethnic group thus contravening section 65 of the law.

4.0. Ethnicity in Kenya Universities

Ethnicity in Kenya can be attributed to the historical background and how the colonial government created divisions among the indigenous groups in Kenya. Other pertinent issues on ethnicity in education entail, students' admission, employment of staff, the composition of the university councils, the appointment of Vice Chancellors and Chairs of university councils as well as the locations of universities and constituent colleges in various counties in the country.

5.0. Ethnicity in Geographical Location of Public Universities

According to the Constitution of Kenya, 2010 the national government bears the responsibility of providing education including higher Education to the citizens. Chapter 11 of the constitutions stipulates the powers and functions of the two levels of Government and is spelt out in the Fourth Schedule of the constitution. The Universities Act (2012) places the responsibility of management of higher education to the Commission for University Education (CUE), the Commission mandate is meant to ensure the establishment of public universities and constituent colleges in each of the 47 Counties in Kenya with special consideration to Counties that do not have universities. Notably, the location of universities and constituent colleges in Kenya is mostly politically motivated, meaning that the government of the day establishes universities or constituent colleges in a particular region for political gain. To this end, out of the 47 counties, 20 had a public university or a constituent college and 17 did not have a single university by the year 2016.

6.0. Ethnicity in Students' Admissions in Secondary Schools and Universities

The current education system in Kenya tends to enhance ethnicity based on the criteria used for admission of students to high schools. The policy of admitting students to high schools is anchored on students' performance, such that the best performing students in national exams are admitted to national high schools from all counties, while the extra-county schools admit students from the region and county schools from the county. Notably, the national schools admit students from all over the country unlike the extra-county and county schools, this system promotes ethnicity in the sense that there are less than 100 national schools in the whole country, meaning that most of the students are admitted in extra-county and county schools within their locality, denying them a chance to interact with students from other parts of the country.

7.0. Ethnic Composition of Employees in Parastatals

According to NCIC 2016, 185 state corporations were audited on ethnic composition in employment; notably, some of these corporations operate at the national level with one office in Nairobi, while others had their operations at the county level. Lastly, others operated nationally with offices in several counties with head office in Nairobi. The study findings observed over representation of some ethnic groups in Parastatals employment something that need to be addressed; some major causes of these may include political interference during recruitment as well as regional Parastatals employing the locals' thus promoting ethnicity.

8.0. Status of Equality and Inclusion in Political Participation

For the last two decades, Kenya has made great strides with regards to legal and institutional frameworks to address ethnicity and ethnic politics. However, ethnic politics continues to be part of Kenya's political process that includes the following: -the proliferation of ethnic parties and coalitions; ethnic voting and ethnic violence, as well as patronage and ethnic favoritism.

9.0. Policy Interventions to Address Ethnicity in Political participation

The Kenya Constitution (2010) makes various provisions concerning the youth in Article 55, which requires the State to take measures, including affirmative action programmes, to ensure that the youth have access to relevant education and training, opportunities to associate, be represented and participate in political, social, economic and other spheres of life as well as accessing productive engagement in terms of employment and entrepreneurship. The law addresses the question of ethnicity in five main areas of politics and governance, electoral system, political parties, public appointments, devolved system of government and inter-ethnic relations.

10. Electoral System

Since independence, Kenya has had the first-past-the-post (FPTP) electoral system, a variation of the plurality system. The electoral system also provides for a two-threshold-system in the presidential election that a candidate must receive more than half of all the votes cast in the election as well as at least 25% of the votes cast in a majority of the counties to be declared the president. If no candidate meets the threshold, then the two candidates with the greatest number of votes are required to go for a second round of a presidential election at which point, FPTP applies and the candidate with the plurality of the vote wins. The Independent Review Commission on the 2007 General Elections (Kriegler Commission) proposed the idea of introducing a mixed Member Proportional System (MMP) system in Kenya but has not been adapted to date. These systems promote inclusivity in the sense that both majorities and minorities have a place and stake in national governance. In the same vein, BBI report recommends an electoral system that is a more consociation model, other than the winner take it all system, which works best for ethnically divided societies like Kenya. Another suggestion is to make the current FPTP system fairer by extending the two-round system to parliamentary elections and/or reserve a certain number of seats for ethnic minorities.

10.1. Political Parties

The Political Parties Act was first introduced in 2007 and later revised in 2011, while The Office of the Registrar of Political Parties (ORPP) was introduced as a regulator of the political parties. The Political Parties Act, 2011 requires that, for a political party to qualify for full registration, the composition of its governing board and recruited members ought to reflect regional and ethnic diversity. Political parties that meet the required threshold also access public funding which among others should be used to promote representation of the youth and marginalized groups. Ethnic incitement is also prohibited by the Political Parties Act, 2011; if political parties are to live to the dictates of the law, the ORPP must be more vigorous and independent in its regulatory and enforcement role. Based on this there is need for the government to support the ORPP in terms of both technical and increased budget allocations to be more be stronger, assertive, independent, and proactive. Furthermore, BBI report suggests that strengthening this crucial office can be achieved by undertaking the following actions:-Recruiting and appointing a substantive Registrar of Political Parties and ensure that this position is maintained in future, while recruiting the Registrar, ensure the requirements to be the same as those of Chairpersons for a Chapter 15 commission, strengthen the Office of the Registrar in monitoring the implementation of the political parties' Code of Conduct, and sanctioning where necessary, as well as removing the legal enforcement power against hate speech from the NCIC to the Registrar of Political Parties and DCI when it comes to criminal infringement.

10.2. Devolution and Public Resources

Devolution was intended to be institutional mechanism for the political inclusion of ethnic communities. In order to implement the devolved system of government, the 47 County governments are entitled to not less than 15% of the audited national revenue in any financial year. In addition to this share of the national revenue, some counties benefit from the Equalization Fund which is established under Article 204 of the Constitution to improve the conditions of some of the marginalized counties to the level enjoyed by the rest of the country. This notwithstanding, Devolution has resulted in the emergence of intra-county ethnic minorities. At present, the boundaries of the majority of the counties coincide with the territorial boundaries of regions considered to be the ancestral homes of certain ethnic communities. These communities form the majority in those counties, and as such, smaller ethnic communities have found themselves excluded in county politics and economic governance. Exclusion of the minority groups is present despite the fact that the county assembly is under an obligation not to approve nominations for appointment to the County Executive Committee if such nominations do not take into account representation of the minorities, marginalized groups and communities and cultural diversity within the county.

10.3 Inter-Ethnic Relations

The Enactment of NCIC Act in 2008 was informed by the need to address ethnic discrimination at all times and places. In addition, this provision is complemented by Article 27(4) and 27(5) of the Constitution both of which prohibit discrimination based on ethnic identity. Similarly, BBI Report proposes a need to increase the interaction and knowledge of differences among Kenyans especially

among students, consequently making Kenya more inclusive. Additionally, BBI report proposes that the Ministry of Education should deliberately and transparently ensure that public boarding schools and universities have students from different parts of the country as well as efforts to integrate schools to include marginalized communities that have been fighting over limited resources such as water and pasture.

11.0 Issues Contributing to Ethnicity in Employment at County Level

According to The study by NCIC conducted in 2016 ethnicity in county employment can be attributed to the following issues but not limited to; Stereotypes about Some Regions concerning prevalence of some diseases, insecurity and reduced Safety making some people not comfortable working outside their counties, as well as Lack of Independence of County Public Service Boards and Political Interference during recruitment,

12.0 Recommendations and Conclusion

Referring to the current status on ethnicity in different sectors and based on the gaps analysis and findings, our position as Kenya Young Members of County Assemblies (KYMCA) and Interparty Youth Forum (IPYF) we are recommending the following issues for action by relevant actors; -

1. The MCAs and MPs to push for independent and substantive Office of Registrar of Political parties (ORPP) consequently enhancing ethnic diversity in youth participation in political parties and governance
2. The County Assemblies to pass legislations that call for all county public participation events to engage the minority and marginalized groups, this can be achieved through sensitization of the community to come up with monitoring mechanisms of who attends county public participation events and from which community and create a data base on ethnic diversity and representation
3. The County Assemblies to push the executive to undertake an audit of all county employees since devolution to understand the level of ethnic diversity and inclusion in county employment
4. The County Assemblies to advocate for clear monitoring mechanisms to enhance transparency and accountability in County recruitment through having an automation of county recruitment system that captures employee names and community they belong
5. The County Assemblies to advocate for initiatives that encourage grassroots reconciliation dialogues in order to address some of the deep-seated conflict drivers across communities consequently addressing ethnicity and ethnic politics, I.e. implementation of Truth, Justice and Reconciliation Commission (TJRC) as well as Ndungu Land Reports
6. The County Assemblies in collaboration with the National Assembly to push for quota system in senior level positions in order to enhance diversity and inclusivity in employment consequently addressing historical hatred among different tribes in Kenya
7. The National Government to increase number of national schools to accommodate more students across the country thus enhancing cultural diversity as well as mainstreaming ethnic diversity in the entire education sector in Kenya

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