

Ethnicity and Nationhood in Kenya

December 2010



Kenya Conflict and Society Series: Report 1

Introduction

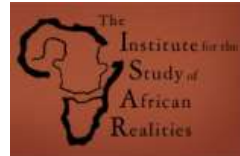
A group of influential Kenyans individuals, representing a range of ethnic, religious, and social backgrounds, met in Nairobi under the auspices of Concordis International, The Sychar Centre, and the Institute for the Study of African Realities to reflect on ethnicity and nationhood in Kenya, and the apparent tension between the two. With the benefit of insight from two expert speakers, extensive discussion allowed the participants to seek proposals to help resolve the conflict between these two concepts, and its negative effects on Kenyan society.



This report provides a summary of the presentations and discussions as they took place, and presents the conclusions and principles settled on by participants at the end of the consultation. While there were inevitably some differences of opinion during the debates on this contentious issue, the principles and conclusions were settled by consensus, providing a jointly-agreed basis from which to move forward.

The Sychar Centre

The Sychar Centre works to bring a new perspective and fresh thinking to issues of debate in Kenyan society. By matching careful research and understanding of the issues at stake to the Biblical principles which guide it, the Centre aims to help provide moral solutions which will transform Kenyan society and many of the problems it faces. Registered as a non-profit company in 2007, the Sychar Centre has collaborated since then with Concordis International on a number of occasions, and shares a similar ethos of providing an environment in which dialogue is the key tool through which participants in its activities seek consensus.



The Institute for the Study of African Realities (ISAR)

ISAR's Centre for Peace-Building and Conflict Transformation has an agenda of resolving conflict across Africa at all levels from the family, through the community, to the national scale. With its focus on the Christian tradition of peace and the example of Jesus as peacemaker, ISAR works to bring that peace across the continent. It seeks to equip its students with the understanding of peace and conflict resolution necessary to intervene effectively in disputes.

Concordis International

Concordis International is a peacebuilding organisation based in Cambridge, in the UK. It takes an actively impartial approach to providing a forum in which influential representatives from all sides of a dispute are able to discuss and look for common ground over their disagreements. Its work is based on thorough research of the issues which need to be resolved, followed by discreet and non-partisan work with stakeholders to address the issues which divide them. By inviting participants to its activities in a personal capacity and providing them with an informal environment, it seeks to build relationships across traditional conflict lines as well as seeking out practical solutions to divisive issues.

Session 1: Historical Roots of [Negative] Ethnicity in Kenya

Nelson Makanda

This section addresses the question “How Did Kenya get where it is with regard to negative ethnicity?”

Ethnic Identity Markers

Ethnicity is a powerful identity factor, perhaps stronger than Christianity, education, and wealth. Borrowing from academics Hutchinson and Smith, Nelson noted the various universal ethnic identity markers which are clearly relevant to Kenyan society. The markers include: common proper name which refers to the specific tribal names (Kenyan examples including Kikuyu, Kamba, Luo, etc); common ancestry which is often based largely on myths about the common origin of an ethnic group; shared historical memory by a group such as migration, suffering and conquests; elements of common culture which include language, religion, and material culture; a link to common homeland (a geographical setting); and a sense of solidarity informed by history, such as voting patterns in Kenya where ethnic groups often vote in blocks for their “perceived own”. These markers result in inclusion or exclusion of other groups of people.

History of Ethnic Relations in Kenya

This section of Nelson’s presentation concentrated on capturing both colonial and post-independence historical legacies which touch on ethnicity in Kenya today. This is against the background that there is little or no documentation or written evidence of pre-colonial ethnic relations.

The Colonial History

Colonial rule laid the foundations for some elements of the ethnic tensions which exist today. These include:

- The different labour allocation and description of different labour roles dependent upon the colonialists’ perceptions of various ethnic groups. For example, wages were paid to different groups based on their perceived or characteristic behaviours. The Kikuyu were perceived to be dishonest and therefore unsuited to domestic work, the Kavirondo were perceived to be morally upright hence good for domestic work, and the Somalis perceived to be adaptable and reliable with weapons and hunting, hence useful as bodyguards.
- Administrative structures such as provinces and district were created without regard for the wishes of Kenyan communities. These structures were later inherited and retained by the post-colonial administration.
- The acquisition of prime land which by and large belonged to specific communities (Maasai, Kikuyu, Kalenjin), and the use of labour from ethnic groups whose lands were not as productive (Luo, Luhyia, etc).
- The zoning of the country by missionaries and mission agencies has meant that various denominations were associated with certain regions, and thus particular ethnic groups.
- Independence movements had regional and ethnic foundations and leadership even from an early stage. Their names depicted ethnic interests, e.g. The

The above factors contributed to the centrality of ethnicity in everyday life. The pattern was followed in employment- recruitment in the armed forces, administration - and in political life as the country prepared for independence.

Post-Independence History

The formation of the independence government meant a convergence of leaders and structures whose policies, feelings, and insecurities often had strong ethnic undertones. The economic blueprint enshrined in sessional paper no. 10 shows Kenya zoned into high, low and non-potential regions alongside the white settler patterns. This zoning influenced successive governments' priorities in terms of development, worsening some of the ill-effects of the colonial ethnic style of governance. Biases and prejudices in development priorities have by and large followed the influence of ethnic identities, making it an institutionalized issue. Some ethnic groups are perceived to be privileged while others are underprivileged leading to the present atmosphere of mistrust and suspicion among regions and ethnic groups.

The above phenomenon has led to a deep-rooted consciousness and awareness of ethnicity throughout society. It has also made ethnic identity a form of social capital that that can be used to influence or determine people's social and economic prospects. Political parties or coalitions, welfare groups and media houses, among other institutions, are propelled by the ethnic factor.

Ethnic Identity and Nationhood

Both ethnic identity and nationhood are a reality not to be ignored in the Kenyan context.

A nation is a community of people characterized by the combination of the following elements: shared belief and joint commitment to that belief, and mutual obligation. It extends into past, present and future understandings of a society, is active in character, connected to a particular territory, and marked off from other communities by its distinct public culture. This implies that the people of a nation are working together and living within a certain territory to achieve some common goals, with obligations towards the collective. In Kenya people seem to owe at least as much, if not more, obligation to the ethnic groups members than to the national group members. This leads to ethnicity undermining nationhood as a point of identity for Kenyans.

Open Discussion on Session 1

1) Recapping the possible triggers of ethnic violence there were several areas of conflict noted. In the formation of independent Kenya, the resulting social empowerment enabled access to jobs, political positions, and a higher standard of living. Along with access to these benefits came competition for them, however, and support to others was often based on ethnic thinking.

2) Land became a major source of conflict. Migration became a threat to ethnic identity, especially where groups lost territories as a result of land policies which pushed them out. Jobs and political positions were among the resources that created conflict.

- 3) The steps the independent government took to achieve nationhood – the national anthem, common system of education, etc were betrayed by a sense of wanting to keep power and resources by the political elite.
- 4) The ethnic identities of the leaders suppressed their intentions of nationhood. The birth of the nation created an immediate awareness of the ethnic identity of those who were in power, which could easily turn hostile at the first suspicion of allowing ethnicity to affect national politics. Meanwhile, the incumbents also developed a defense mechanism to retain power, based on commanding support amongst those who shared the same identity.
- 5) Secessions in Northern Kenya were precipitated by the way in which colonialists identified and used the Somalis, for example. Having been employed by their colonial masters against other communities that were seeking independence, the fear of an independent Kenya, under the same people they helped the colonialists to control, precipitated a desire amongst Somalis to secede, and drove something of a wedge between them and other ethnic groups.



Photo: C. Sinclair

- 6) Pre-colonial ethnic interaction was based more on interdependence (resources, marriage), than competition. Any conflict at that time did not affect the land-mass movement precipitated by cattle, water, or raiding to acquire wealth.
- 7) The occupation and lifestyles of a people eg agricultural pastoralists or nomadic migration, led to the convergence of ethnic groups to form larger groups for greater mutual support. The Luhya and Kalenjin, for example, were never ethnic groups, but collections of ethnic groups that bargained for land for common use. Colonialists therefore united many “nations” to become one nation.
- 8) The shift from African traditional to larger modernized economies led to competition. The monetary system in particular, as well as the new systems of power and wealth, may have increased tension in the process of adjustment.
- 9) Nationhood was not a home-grown idea. The post-independence leaders were not sufficiently prepared to govern a nation. The judicial system was shifted from the leadership of community elders to the emerging elites.

Session 2: Ethnicity in the New Constitutional Order

Francis Omondi

There is a tendency for ethnicity and nationhood to conflict with each other. A national constitution attempts to reconcile the two. But how do we hold the two together in the light of colonial 'Balkanization', where historic differences have been exploited to weaken the collective and leave a legacy of sometimes bitter dispute? Beyond the constitution, this calls for principles and policies that would enhance nationhood.

The good news is that ethnicity is an inter-group quality and not an inherent concept, hence we can deconstruct and reconstruct ethnicity if necessary.

Two schools of thought have attempted to define an ethnic group:

1) Primordialism, where a group is coerced into a social bond or group, with one indicator being when people begin to be conscious of their identities. This connects with an **instrumental** approach, where ethnicity becomes a resource primarily to acquire wealth, power and status.

2) Constructivism which views ethnic identities as a product of historical forces. This is linked with **essentialism**, which defines ethnic identities as social actors and not the result of social action.

However, scholars have gone beyond the debate above, as they attempt to respond to the increasingly politicized forms of self-representation by members of different ethnic groups and nations. In analyzing different definitions and causes of ethnicity, Omondi explains that descent can sometimes be a marker of ethnicity and at other times it may not: which definition of ethnicity is dominant depends on whether the people are scaling ethnic boundaries up or down, which in turn depends on the political situation.

Nation-states and ethnic minority: In the 19th and 20th centuries, modern states sought legitimacy through their claim to represent "nations". Such nation-states, however, invariably include populations that have been excluded from national life for one reason or another. Consequently, members of the excluded group will either demand inclusion on the basis of equality, or seek autonomy, sometimes even to the extent of complete political separation in their own nation-state. If a people moved from one state to another, or one state conquered or colonized peoples beyond its national boundaries – ethnic groups were formed by people who identified with one nation, but lived in another state.

Ethno-national conflict: Sometimes ethnic groups are the object of prejudicial attitudes and actions by the state or its constituents, leading to tensions between an ethnic group and the state. One school of thought holds that the state should not acknowledge ethnic, national or racial identity but rather enforce political and legal equality to all individuals. It is assumed that people should be identified as individuals which form a nation with no reference to ethnicity. This individualist notion does not necessarily fit traditional Kenyan values. Another view advocates for the recognition of ethnic identity and the development of processes through which the particular needs of ethnic groups can be accommodated within the boundaries of the nation-state.

The Kenyan Constitution and ethnicity

The Kenyan constitution appreciates the reality of ethnicity, but also attempts to minimise negative ethnicity. The following areas represent that effort:

Language. While the official and national languages are English and Swahili respectively, there is recognition, promotion, and development of ethnic languages [Art.7 (3)]. It is urged, however, that the state's business should be restricted to promoting the national and official languages, and tolerating local languages which are promoted by local communities. Should we then have further language policies?

Equity and freedom from discrimination [Art. 27 (4-7)]. Whereas the article provides for equality and freedom, it is argued that the list of vulnerable groups highlighted in Art. 21 pt. 3 is restrictive. It ignores the fact that all people are vulnerable and susceptible to one harm or another. It was also suggested that the article that advocates the development of cultural values and practices among the marginalized [Art. 56d] hinders their full integration into the Kenyan society.

Freedom of movement and residence [Art. 39 (1-3)], particularly part 3 that provides the right for individuals to reside anywhere in Kenya.

The recognition of language and culture [Art. 44 (1-3)], the right to participate in and use the language and culture of one's choice.

Participation and representation in governance by minorities and marginalized groups through affirmative action [Art. 56a-e].

Recognition of community land [Art. 63, 1-5]. This is very significant in places where land has not been demarcated, e.g. among the pastoralist communities. However, one question that is raised is in relation to the clause that states that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals [Art. 61 (1)]. This triple concurrent ownership will allow ethnically defined communities to interfere with private land holding. Moreover, since Art. 63 (1), 2d identifies community land on the basis of ethnicity, the land would be unable to benefit residents of an area who do not belong to the particular ethnic groups he may be residing in.

The foundation and ideology of political parties must be kept away from having an ethnic basis [Art. 91, 1-2]

Devolution minimizes the desire to form ethnic groups to struggle for national resources. It has been noted that the counties are formed and organized according to the principle of ethnic identity. The formation of a region that has only one ethnic group should be eradicated. Also, central government structure should be ethnically encompassing; the education system is an example where there should be deliberate quota systems to promote nationhood.

The civil service and public sector organisations advocate values and principles which include adequate and equal opportunities. It is noted, however, that the counties may suffer from low-standard public service if they do not reflect the level of safeguards at the national level.

Canon Omondi closed his presentation by offering the following conclusions:

- ◆ The need to confront human suffering, thus precipitating a deeper sense of human kinship.
- ◆ The identification and challenging of faulty ideals in the society – such as the absolute privatization and deification of money.
- ◆ The need to pay attention to “strangers” within the nation, apart from our ethnic communities.
- ◆ The need to develop policies around the constitution towards the formation of a nation.



Photo: C. Sinclair

Open Discussion – Session 2

The open discussion following Canon Omondi’s presentation brought out a series of suggestions both as to what is at the root of ethnic conflict in Kenya, and what could be done to resolve this issue.

The questions of identity and interaction must be addressed: exclusive ethnicity or inclusive national outlook? Participants agreed that as Kenyans, they should stretch their ethnic identities and see them as too small a single identity for who they are. Ethnic pride is not only found in the love for tribe, but the fear and hostility towards others; how do Kenyans interact with one another in the nation, so that their identity does not exclude or hurt anyone? Can anyone be at home in the nation and the global village without some smaller house to be at home in? These questions led to recognition among participants of a need to find new language for greater solidarity in modern society.

The following points were made by participants, and contributed to the principles and conclusions found at the end of this report:

- ◆ The population census is unconstitutional and retrogressive. It is always manipulated by the political class. The last population census in particular promotes ethnic tensions for political purposes.
- ◆ We should be aware of nationhood creating another frontier against other nations. The whole notion of being a Kenyan is a utopia that we need to work towards without nationalism and patriotism becoming xenophobia.
- ◆ A sense of kinship should be developed through participation. For example, participation in responding to human disaster in a section of the nation should invite national participation. This should help us answer the question, “What does it mean to be human?” Does the constitution have a philosophy?



Photo: C. Sinclair

- ◆ The constitution is limited in helping people think of how to be inclusive. That pre-empts the need for further actionable policies.
- ◆ Resources and their distribution will have a bearing on ethnic tensions. Or else why are two clans from North Eastern not in conflict while in Nairobi yet their counterparts in Northern Kenya are in constant conflict? There is need to diversify methods of survival – if camels are the status of success and a source of conflict, then we must create alternative sources of economic empowerment.
- ◆ A national policy in which it was perceived that the major crops were coffee, tea, cotton etc has had a negative effect. This implied that national budget was concentrated on what would bring wealth for export, with banks and other financial institutions taking interest in those areas where with perceived economic resources.
- ◆ Affirmative action must be spelled out in legislation at the county level, as it has been done in the national constitution.

- ◆ Religion should be a useful tool to bridge the differences, and not become the absolute that creates the “other”.
- ◆ The post-election conflict was boiling towards the haves and have-nots, rather than tribes, pointing to the issue or resources as the real trigger for several conflicts.
- ◆ Feelings of ownership and hope are important. How can people’s aspirations be captured towards nationhood? Tanzanians perceive themselves, first, as a nation, not ethnic identity. Ethnicity exists, but in a new positive form.
- ◆ Encourage the construction of new ethnic identity [The Suba have become Luos, the Maragolis have become Luhyas, etc. These illustrate that there is possibility to deconstruct and reconstruct new ethnic identities.
- ◆ Legalistic social engineering of the constitution is inadequate
- ◆ There is need to have a balance: appreciating the space and opportunity that capitalism brings in, while appreciating the benefits of socialism in the context of hard work.
- ◆ Ethnicity is the awareness of belonging to an ethnic group, creating ethnic conflict. There is need to tackle the sources of the consciousness – found in social-political and economic policies, including national census. In the 3rd world each national census has different classification of ethnic identities. In Kenya the census creates the consciousness. Ronald Ngala used the “Mijikenda” consciousness for power play. For advocacy purposes, there is need to address the issues that create census.
- ◆ Nation-building should not be seen as bringing one Kenya from 42 ethnic groups. Instead we should enhance the various ethnic group towards building a nation.
- ◆ Ethnicity and nationhood should be treated just as convenient groups to better humanity.

Session 3: From Ethnic Divisions to Nationhood: How do we Rewrite our Collective history?

During the final session of the day, the participants discussed measures taken to reduce the tension between ethnicity and nationhood, encouraging Kenyans to acknowledge ethnicity, without allowing it to become a divisive issue. The first step in this process was to ask, 'What Worked in the Past?', and the second was to ask 'What Else Can We Do?' to bring greater unity between Kenya's tribes. In response to the first question, participants agreed that the following set of historical practices and policies had made beneficial contributions to the cohesion of Kenyan society between tribes.



Photo: C. Sinclair

1) Education policy

- ◆ The national school system was a deliberate and positive policy towards national unity without attempting to dismantle ethnic groups, until the introduction of quota system when 85% of the admissions to secondary schools were to be reserved for local children.
- ◆ The philosophy and content of education also reflected nationhood. The subjects taught reflected nationhood. The "Kamunge" report reflected the need to develop books in that regard.
- ◆ The Teachers Service Commission would post teachers to any part of the country, based on school need. Currently, teacher recruitment has been localized, and takes away the opportunity for greater national integration.

2) Agricultural projects. The Hola and Bura irrigation schemes employed different tribes and staffing was national.

3) Religion. Posting of ministers and other staff reflected national cohesion.

- 4) Language policy (state broadcast). News and other national programs were in Swahili, which had a good level of enthusiasm, until the political will for these measures was reduced.
- 5) National ideology. For example, the “Harambee” slogan, with its negative side of glorifying individuals still rallied people together.
- 6) Sports personalities representing nationhood. For example, Kipchoge Keino was never seen as a Kalenjin.
- 7) Inter-ethnic marriages were celebrated.

When discussing the second question - ‘What Else Can We Do?’- participants developed several recommendations, identifying the following as key aims for Kenyan society as a whole to strive towards in its effort to heal the wounds caused by negative ethnicity:

- ◆ Social responsibility and mutual empathy;
- ◆ Mutual respect for each other’s cultural distinctiveness – national festivals, inter-cultural nights;
- ◆ National ideals and working philosophy for the National Constitution and nation;
- ◆ Better and fair distribution of resources.

By the end of the consultation, participants were able to agree on consolidating these principles into a set of conclusions and recommendations, which can be found as the last element of this report. It is to be hoped that if these conclusions and recommendations can be put into practice, they may go some way to allowing Kenya to prosper under the banner of a single nation at peace, while recognising and allowing for the rich variety of ethnicities which contribute towards the whole.

CONCLUSIONS

Preamble

1. We, a broad and inclusive group of individual Kenyan citizens and friends of Kenya, have been meeting in Nairobi on 15 December 2010 at the invitation of the Sychar Centre, Concordis International, and the Institute for the Study of African Realities (ISAR), to consider issues of ethnicity and nationhood in Kenya. Among our number are senior men and women from national and governmental institutions, media, education, business and enterprise, the churches and civil society.
2. Although we clearly bring views derived from our backgrounds and official positions, we have met in our personal capacities, not speaking formally for any government or other agency. We are grateful to the Sychar Centre, Concordis International, and ISAR for providing an inclusive forum for discussion of these issues.
3. Our discussions are intended to build on a similar consultation facilitated by Concordis and the Sychar Centre in 2008. While that consultation focused on issues of land tenure and conflict in Kenya, we are aware that the questions of land ownership, ethnic division and injustice are closely connected, and must all be addressed to achieve a lasting peace for Kenya.
4. We share the goal of a just and peaceful future for Kenya, where all elements of Kenyan society coexist peacefully with each other on the basis of justice and peaceful settling of difference, on the foundation of our shared history and culture and a commitment to human rights and fundamental freedoms.

Discussion

5. Deriving from our understanding of past positive experience in bringing about inter-ethnic harmony in Kenya, we have developed principles and proposals for consideration for ensuring a peaceful future for the country and its people.
6. Given the above considerations, we emphasise that the following principles are important to achieving the right balance between ethnicity and nationhood:
 - a. The need for a national philosophy, vision or ideals, enjoying broad national consensus, to assist in implementing the National Constitution.
 - b. The need for language policies, including in broadcasting, to encourage mutual understanding through a common language, but simultaneously to recognise the mother tongues of Kenyans.
 - c. Mutual respect of each others' distinctive cultures;
 - d. Mutual empathy and social responsibility;
 - e. Better distribution of resources across regions.

7. We make the following specific proposals and observations that would help to encourage the above principles:

- We support the role of the National Cohesion and Integration Commission as a means of focusing attention on Kenyan identity.
- Educational policy-makers can learn from the constructive experience of integrated national secondary schools and institutions of higher learning that existed prior to the 'district quota' system.
- An educational curriculum is needed that promotes national cohesion and coexistence.
- There is a need to promote a national, merit-based employment and promotion in the Civil Service.
- National-level sport should be encouraged and sustained.
- Inter-ethnic marriage should be celebrated as a significant means of breaking down ethnic barriers.
- National festivals and similar events should be instituted to celebrate the variety of Kenyan cultures.

Conclusion

8. Despite the complexities of Kenyan society and the dangers inherent in destructive nationalism, we established common ground on a number of ways in which ethnicity can be constructively acknowledged in the process of strengthening national cohesion. We see a need for national consensus on how Kenya can deal with ethnic divisions for the sake of our future unity.

We appreciate the support of the Sychar Centre, ISAR and Concordis International in bringing us together and look forward to future opportunities for Kenyans to work together on policy issues with their facilitation.



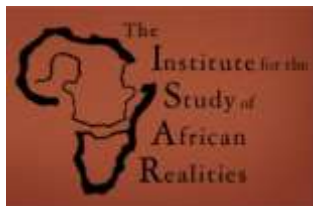
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