



Unmasking Ethnic Minorities and Marginalized Communities in Kenya

Who and Where?



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LIST OF ACRONYMS AND ABBREVIATIONS

ASAL	Arid and Semi-Arid Land
CAT	Committee against Torture
CERD	Committee on the Elimination of Racial Discrimination
EAC	East Africa Community
GOK	Government of Kenya
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
KHRC	Kenya Human Rights Commission
NGEC	National Gender and Equality Commission
OAU	Organization of African Unity
LQs	Legislated Quotas
NFD	Northern Frontier Districts
SIGs	Special interest groups
TJRC	Truth, Justice and Reconciliation Commission
UN	United Nations
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNDM	United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNHRC	United Nations Human Rights Committee

FOREWORD

The National Gender and Equality Commission (NGEC) is established by the National Gender and Equality Commission Act 2011. The Commission's core mandate is to promote gender equality and freedom from discrimination. The core functions of the Commission include monitoring, auditing and facilitating the integration of principles of equality and inclusion in all national and county laws, policies and administrative rules and regulations in both public and private sector. Section 8 (m) of the Act mandates the Commission to conduct audits on the status of special interest groups (SIGs) among them minorities and marginalized groups and communities, persons with disabilities, older members of society, women, youth and children.

In 2015, the Commission and its stakeholders carried out an assessment in the 47 counties to audit, identify and map ethnic minorities and marginalized communities in order to profile their status and provide data for policy formulation and to inform county development agenda. The assessment used a participatory learning approach involving a wide range of stakeholders in conceptualization of the activity, data collection, analysis and validation of key results. In each county, the county government officials, County assembly members, administration officers, members of religious and civil society organizations were engaged.

This report provides an inventory of factors driving marginalization for each community to inform future interventions designed to redress historical injustices and barriers to development. The last part of this report provides key recommendations to national and county governments, private sector, Article 59 commissions, other commissions and independent offices, parliament, civil society organizations and minority communities.

I wish to thank the NGEC Commissioners and especially Commissioner Dr. Gumato Ukur who led the NGEC team that conducted the mapping exercise and compiled this report and all stakeholders for their commitment to this activity.

Dr. Florence Wachira, MBS
Ag. CHAIRPERSON

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I acknowledge contributions from NGEC Commissioners and staff led by the convener of the Marginalized and Minorities program, Commissioner Dr. Gumato Ukur for dedication in design, planning, data collection and writing of this report. This report would not have been complete without the technical input from Prof. Dulacha Galgalo (Consultant) and the NGEC led Technical Working Group on Minorities issues.

Mr. Sora Katelo
Ag. COMMISSION SECRETARY/CEO

EXECUTIVE SUMMARY

The National Gender and Equality Commission (NGEC) is an independent Constitutional Commission with the mandate of promoting gender equality and freedom from discrimination in compliance with Article 27 of the Constitution. The constitution in Article 56 requires state to design programmes that ensure minorities and marginalized communities are represented in governance and all other spheres such as education, economic activities, and employment among others.

As part of its mandate the Commission undertook a study whose primary objective is to identify minorities and marginalized communities of Kenya, and outline major issues affecting these communities in all counties. In addition, this report has utilized demographics from the 2009 National Population and Housing Census Report.

The report documents historical perspectives to marginalization in Kenya, in particular detailing various legislative and administrative reforms during colonial and post-colonial period that entrenched marginalization. Drawing on countries' experiences, the report presents international practices on representation and integration of ethnic minorities and Marginalized communities in varying spheres of development.

The study findings indicate that minority and marginalized groups have low literacy rates; higher unemployment rates; limited or no access to transport and communication infrastructure; limited or no access to social amenities; experience water scarcity and food insecurity; high poverty levels; negative climatic effects and are insecure.

Based on the findings of the study, the report suggests recommendations to various stakeholders: The national and county governments, Article 59 Commissions and other commissions and independent offices, the political parties and non-state actors. A priority inclusive agenda issue for the minorities and marginalized communities is to have a 'political voice' through representation at the County Assembly and Parliament, to fast track the drive to address other social and economic issues.

Unmasking Ethnic Minorities and Marginalized Communities in Kenya

Who and Where?

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BACKGROUND

1.1 About the National Gender and Equality Commission

The National Gender and Equality Commission (NGEC) is an independent Constitutional Commission established pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010 and operationalized by the National Gender and Equality Commission Act, 2011 (NGEC Act). The overall mandate of the Commission is promotion of gender equality and freedom from discrimination in accordance with Article 27 of the Constitution.

Part of the Commission's mandate as stipulated under section 8 of the NGEC Act is to conduct audits on the status of special interest groups including minorities and marginalized groups and communities; conduct and coordinate research activities on matters relating to freedom from discrimination as contemplated under Article 27 of the Constitution; and relating to special interest groups; establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups.

Further, the Commission acts as the principal organ of the state in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination.

1.2 Norms and Standards on Minority and Marginalized Groups

1.2.1 International

International and regional norms and standards have evolved over time. The principles of equality and non-discrimination are embodied in the UN Charter, which underlines respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. These principles have been further developed in the 1948 Universal Declaration of Human Rights and in all core international human rights treaties: International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the 1989 Indigenous and Tribal Peoples Convention (or ILO Convention 169); UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992); the Durban Declaration and Programme of Action (2001) and the Outcome Document of the Durban Review Conference (2009).⁶

No legal definition of the term 'minority' has been agreed in international law. However, in 1966, the United Nations (UN) Special Rapporteur, Francesco Capotorti, proposed the following definition of minorities in the context of Article 27 of the International Covenant on Civil and Political Rights (ICCPR):

“A group numerically inferior to the rest of the population of a State, and in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions and language.”⁷

⁶ United Nations. 2014. Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities, pp. 3-4

⁷ Proposal Concerning a Definition of the term 'Minority', UN Doc. E/CN.4/Sub.2/1985/31

A refinement of this definition was proposed in 1985 by Jules Deschênes:

“A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.”⁸

The UN Human Rights Committee (HRC) has stated in a General Comment to Article 27 of the ICCPR that a state party may not restrict the rights under Article 27 to its citizens alone. To this may be added the important point referred to by the HRC that:

“The existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria.”

The UN Working Group on Minorities has said that the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) can apply to national minorities; ethnic, religious or linguistic minorities; indigenous peoples; migrant workers; refugees; immigrants; and non-citizens.⁹

The international community has made significant strides towards lifting people out of poverty, though the Minorities and Indigenous peoples have continued to experience discrimination and inequalities throughout the Millennium Development period. The 2030 Agenda for Sustainable Development recognizes the development needs for indigenous people by referring to them 6 times, three times in the political declaration; two in the targets under Goal 2 on Zero Hunger (target 2.3) and Goal 4 on education (target 4.5) – and one in the section on follow up and review that calls for indigenous peoples’ participation. Apart from the direct references, many of the Sustainable Development Goals and associated targets are relevant for indigenous peoples.

1.2.1.1 Basic Principles and Overview

Given the absence of a formal definition of the term ‘minority’, the existence of a minority group can be assessed using objective and subjective criteria; these criteria have been elaborated by various UN independent experts drawing from international standards.¹⁰

Objective criteria focus on the shared characteristics of the group such as ethnicity, national origin, culture, language or religion. These categories derive from the only global standards¹¹ on minorities concerning the rights of persons belonging to ethnic, religious and linguistic minorities.

⁸ See para. 5.2 HRC General Comment No. 23, 50th session, 1994.

⁹ Asbjorn Eide, Commentary on the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. (UN Doc. E/CN.4/Sub.2/AC.5/2001/2). The Commentary was officially adopted by the Working Group at its 10th session, see UN Doc. E/CN.4/Sub.2/AC.5/2005/2 (4 April 2005).

¹⁰ UNDP. 2010. Marginalized Minorities in Development Programming: A UNDP Resource Guide and Toolkit, p.7

¹¹ The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) and article 27 of the International Covenant on Civil and Political Rights (ICCPR)

Subjective criteria focus on two key points: the principle of self-identification and the desire to preserve the group identity. According to the principle of self-identification, individuals belonging to minority groups have the right to self-identify as a minority or to not self-identify as a minority. A minority community has the right to assert its status as a minority and thereby to claim minority rights. Individuals can claim their membership in a minority community on the basis of objective criteria, including shared ethnicity, culture, language and religion. The preservation of the minority group identity depends on the expressed will of the minority community. The UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation VIII, states that unless there is justification to the contrary, identification of persons as members of a racial or ethnic group will be based on “self-identification by the individual concerned”.¹²

The UN Independent Expert on minority issues expresses four broad concerns stemming from minority rights:

- A. Protecting a minority’s existence, including through protection of their physical integrity and the prevention of genocide. This right is also safeguarded by the prohibition of genocide and ethnic cleansing by the Convention on the Prevention and Punishment of the Crime of Genocide (1948).
- B. Protecting and promoting cultural and social identity, including the right of individuals to choose which ethnic, linguistic or religious groups they wish to be identified with, and the right of those groups to affirm and protect their collective identity and to reject forced assimilation. According to Article 4.2 of UNDM, States are also encouraged to “take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs”.
- C. Ensuring effective non-discrimination and equality, including ending structural or systemic discrimination. The International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as: any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (article 1.1).
- D. Ensuring effective participation of members of minorities in public life, especially with regard to decisions that affect them.¹³ This includes the right to participate in public life and decision-making, especially on issues that affect them; the right to participate in the life of their own community; and the right to participate in the benefits of economic progress and development.¹⁴

¹² Ibid.,pp.7-8

¹³ United Nations Economic and Social Council. 2006. Report of the independent expert on minority issues. E/CN.4/2006,74, para 22

¹⁴ UNDP. 2010. Op. Cit., p.24

1.2.1.2 The UN Declaration on the Rights of Indigenous Peoples, 2007

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on 13th September 2007 was the result and highlight of many years of work. For the approximately 370 million indigenous peoples in some 90 countries around the world, UNDRIP is an expression of their rights and place in the global community.¹⁵ Its core aim was to enshrine the rights that “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.”¹⁶ The instrument is seen to be a major achievement by Indigenous peoples in the face of state reluctance, and sometimes active resistance, to address the issues contained in it.¹⁷

In summary, the Declaration has the following provisions:

Non-discrimination and fundamental rights; Article 1 provides that Indigenous peoples and individuals are entitled to the full enjoyment of all the human rights and fundamental freedoms recognized in international law, and also to the right to be free from discrimination in the exercise of them (Article 2). Some articles mention specific rights that are to be enjoyed by Indigenous individuals without discrimination: the right to life, liberty and security (Article 7(1)); the possession of a nationality (Article 6); fundamental labour rights (Article 17); and the right to physical and mental health (Article 24). Some of these provisions also mention Indigenous peoples collectively (See Articles 7(2) and 17).

Self-determination; Article 3 provides for the collective right to self-determination. This is found in International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and UNDRIP mirrors their language. Common Article 1 of the Covenants provides that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

Based on the African Group’s objections based on concerns on state sovereignty, Article 46(1) provides that nothing in the declaration may be “*construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States*”¹⁸

Cultural integrity; Indigenous peoples have the collective right to live in peace, free from acts of genocide and other forms of violence (Article 7). Indigenous peoples, individually and collectively, have the right to be free from forced assimilation or destruction of their culture (Article 8), and states must

¹⁵ UNICEF, Secretariat of the United Nations Permanent Forum on Indigenous Issues, and Global Indigenous Youth Caucus. Know Your Rights! United Nations Declaration on the Rights of Indigenous Peoples for Indigenous Adolescents, p.6

¹⁶ UN Declaration on the Rights of Indigenous Peoples, Article 43

¹⁷ Davis, R. 2007. Summary of the UN Declaration on the Rights of Indigenous Peoples, p. 2

¹⁸ Ibid pg. 6

prevent against and provide redress for acts that damage their cultural integrity (such as forced transfer, dispossession of lands, territories and resources and discriminatory propaganda).

Lands, territories and resources; Article 26 provides that “*Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired*”, and are entitled to “own, use, develop and control” such lands, territories and resources. States must give legal recognition and protection to these lands, territories and resources, with “due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned”. Article 25 provides that “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.” Article 21(1) provides that “*Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.*”

Implementation; States are required, in consultation with Indigenous peoples, to take appropriate measures (including national legislation) to achieve the goals of the Declaration, and to provide Indigenous peoples with access to financial and technical assistance for the enjoyment of the rights contained in it (Articles 38-39). The international community more broadly, through the UN and its agencies, is also expected to contribute (Articles 41-42).¹⁹

19 Ibid pg. 13

1.2.1.3 International Labor Organization Conventions 107 and 169

The convention was adopted in 1989 and aims at overcoming discriminatory practices affecting indigenous and tribal peoples and enabling them to participate in decision-making that affects their lives. Article 7(1) states that *“The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.”*

The convention applies to:

- a. Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- b. Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

The instrument embraces principles of:

- a. Self-identification: Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply (Article 1.2).
- b. Self-management: Recognizing the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages, religions, within the framework of the States in which they live (Preamble).
- c. Responsibility: Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity (Article 2.1). The Convention specifies three instances where indigenous and tribal peoples should have full management and control: Special vocational training programmes (Article 22.3); Community-based health services (Article 25.1); and Education programmes (Article 27.2).
- d. Non-discrimination: Article 3 states that Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention

- e. Special measures: Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.
- f. Consultation is a fundamental principal of the Convention. Governments are bound to consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly. Such consultations are to be undertaken in good faith.
- g. Participation is another fundamental principal of the Convention. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
- h. Development: Article 2.2 states in part that Government action to apply the Convention shall include: (c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous peoples and other members of the national community, in a manner compatible with their aspirations and ways of life.

Other provisions relate to customs and traditions; customary law; the concept of land and its special importance; land rights; natural resources; mineral and other resources; displacement; and traditional economies among others.

1.2.1.4 Treaty Monitoring Bodies

There are six major, legally binding international human rights treaties within the UN human rights system that deal with a broad range of human rights (see table 1). Each of these treaties has a committee that monitors the way in which States Parties are fulfilling their human rights obligations under the respective treaty. The committees, also known as treaty bodies, vary in size from 10 to 23 members and are composed of international human rights experts. Committee members serve for four-year terms and, although they are elected by the States Parties, they serve in their personal capacity and not as representatives of their governments.

Members generally do not take part in deliberations concerning their own country. The committees meet for several weeks each year, usually in Geneva.²⁰

²⁰ See <http://www.ohchr.org/Documents/Publications/GuideMinorities4en.pdf>, Accessed on 25th January 2017

International Human Rights Treaties

HUMAN RIGHTS TREATY	SUPERVISORY BODY	MEMBERS	VENUE OF SESSIONS
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee	18 members	3 sessions per year: 2 in Geneva, 1 in New York
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights	18 members	2 sessions per year in Geneva
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Committee on the Elimination of Racial Discrimination (CERD)	18 members	2 sessions per year in Geneva
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC)	10 members	3 sessions per year in Geneva
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Committee on the Elimination of Discrimination Against Women (CEDAW)	23 members	2 sessions per year in New York
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture (CAT)	10 members	2 sessions per year in Geneva

1.2.2 Regional

The African Union Commission on Human and Peoples' Rights Working Group of Experts on Indigenous Populations/Communities in Africa is an important platform for indigenous peoples to develop region-specific standards. The indigenous peoples' rights framework is not only a unique strategic avenue that draws global attention for ventilating indigenous peoples' issues, but also identifies with international standard-setting mechanisms and norms.²¹

²¹ Wachira M. G. 2010. "Indigenous People's Rights to Land and Natural Resources" in Dersso, S. (ed.). Perspectives on the Rights of Minorities and Indigenous Peoples in Africa, pp. 297-298

The African Court on Human and Peoples' Rights (the Court) is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. It complements and reinforces the functions of the African Commission on Human and Peoples' Rights. The Court was established by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, (the Protocol) which was adopted by Member States of the then Organization of African Unity (OAU) in Ouagadougou, Burkina Faso, in June 1998. The Protocol came into force on 25 January 2004.

In the East African Region, The East African Court of Justice (the Court), is one of the organs established under Article 9 of the Treaty for the Establishment of the East African Community.

The Court's major responsibility is to ensure the adherence to law in the interpretation and application of and compliance with the EAC Treaty.

1.2.3 National

The government's formal adoption of the Sustainable Development Goals and the pledge "that no one will be left behind" renews efforts in inclusion of the Minorities and Marginalized communities in Kenya, and anchored on Goal 10: Reduce inequality within among countries.

A lot of work needs to be done to strongly focus on rights rather than targets, direct investment and fully disaggregated data, to fill the gaps in the next 15 years.

Other than the international and regional conventions and treaties that Kenya is signatory to, in 2010, Kenya promulgated the new Constitution with specific provisions for ethnic minorities and marginalised communities.

1.2.2.1 The Constitution of Kenya 2010

Nationally, the Kenyan Constitution 2010 attempts to address inadequacies of the old constitution that inhibit fair and inclusive representation. One such major limitation is lack of consideration for special groups such as women, youth, minorities and marginalized communities. Article 100 of the constitution is primarily designed to address representation of these groups of people previously not considered in the old order. Further, the constitution anticipates some legislative framework to promote representation of these groups of people.

The legislated system of political representation of these groups is clear demonstration of Kenya's electoral history where minorities hardly get to be candidates of major political parties. A cursory review of the electoral rolls from 1992 to 2007 of candidates for the presidential, parliamentary and civic seats provide documentary evidence of exclusion of minorities and marginalized communities in political representation.

Article 56 of the constitution provides 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 educational and economic fields; are provided special opportunities for access to employment; develop their cultural values, languages and practices; and have reasonable access to water, health, and infrastructure.

Article 91 of the Constitution outlines basic requirements of political parties. Further, article 91 (e) requires political parties to promote participation of all people in the electoral process, including minorities and marginalized groups. Political parties therefore have a constitutional duty to promote representation of minorities and marginalized communities. There is also a clear case for enforcement of compliance with the spirit of the Constitution. However, such enforcement will require subsidiary legislation(s) that details mechanism for promoting representation of minorities and marginalized groups.

Article 94 (2) states that “Parliament manifests the diversity of the nation...” This constitutional provision expects the Kenyan parliament to portray the national diversity of the people of Kenya. The article requires composition of the highest legislative organ to be representative of Kenyan people. This is also consistent with Article 10(2b) on national values and principles of governance of human dignity, equity, social justice, equality, inclusiveness, human rights, non-discrimination and protection of the marginalized.

Article 260 of the constitution further elaborates on definition and identification of the marginalised communities. In this respects, marginalised community refers to relatively small population, a traditional community, an indigenous, pastoral persons and communities.

Marginalised groups are refers to group of people discriminated on one or more grounds because of prevailing laws or practices. These constitutional provisions are a key step in the journey towards attaining a more equitable society.

1.2.2.2 Subsidiary Legislations

Kenya has enacted a number of laws to promote and protect the rights of minorities and marginalised communities. Some of these laws include:

1. Constituency Development Fund Act 2013 which seeks to ensure that a specific portion of the national annual budget is devoted to the constituencies for purposes of infrastructural development, wealth creation and in the fight against poverty at that level.
2. Basic education Act of 2013 that promotes the right to basic education of every child in Kenya and adult literacy.

3. The Children's Act 2011 acknowledges and protects the rights of every child.
4. Community Land Act 2016 which recognizes community land ownership and control.
5. County government Act 2012 which emphasizes on equity, efficiency, accessibility, nondiscrimination, transparency, accountability, participation and information sharing alongside a focus on basic needs, monitored through citizen service charters at all levels of county government. It also attempts at making inclusion of minorities in public service by creating a requirement that 30% of job vacancies are filled by communities that are not from the dominant ethnic group.
6. National Cohesion and Integration Act 2008 that established National Cohesion and Integration Commission that seek to promote cohesion and peaceful co-existence of communities in Kenya.
7. National Land Commission Act 2012 that established the National Land Commission which is vested with power to investigate historical and present land injustices.
8. Environment and Land Court Bill 2011 that implements aspects of land reforms envisaged by the Constitution and the land policy.
9. National Gender and Equality Commission Act 2013 that establishes National Gender and Equality Commission with core mandate of promoting gender equality and freedom from discrimination.
10. Climate Change Act 2016 that establishes climate change council to develop, manage, implement and regulate mechanisms to enhance climate change resilience and low carbon development for sustainable development of Kenya.

1.2.2.3 Policies Promoting the Rights of Minority and Marginalized Communities.

1. **Devolution policy** that seeks to ensure inclusion of minorities and marginalized groups in public service delivery.
2. **Policy on the Criteria for Identifying Marginalized Areas and Sharing of the Equalization Fund 2011** - sets out the criteria for identifying marginalized areas in Kenya, and marginalized counties and also provides a framework that will guide in the planning, implementation, and monitoring and evaluation in the use of the Equalization Fund.

3. **Kenya vision 2030**-The second Medium Term plan of Vision 2030 (2013) outlines flagship. Projects for the period 2013-2017, some of the projects targeting marginalized communities include; education in arid and semi-arid lands, school health and nutrition and school feeding.
4. **The National policy framework for nomadic education 2010** aims at enabling Kenya's nomadic communities to access basic education and training. It is geared towards ensuring equitable access to education by children in nomadic areas, including disadvantaged and vulnerable groups.
5. **Kenya health policy (2014-2030)** ~ The policy embraces the principles of protection of the rights and fundamental freedoms of specific groups of persons, including the right to health of children, persons with disabilities, youth, and minorities, the marginalized and older members of the society, in accordance with the Constitution.
6. **Arid and semi-arid Lands policy** whose goal is to facilitate and fast-track sustainable development in Northern Kenya and other arid lands by increasing investment in the region and ensuring that the use of those resources is fully reconciled with the realities of people's lives.
7. **The Ministry of Education established the National Council for Nomadic Education (NACONEK)** whose aim is to ensure that children in nomadic and marginalized communities have access to quality education.

1.3 The Rationale of the Study

Minority communities have suffered social, political and economic marginalization in most of Kenya's history. The post-colonial Kenyan state pursued economic growth rather than resource redistribution, a fact which contributed to economic disparities and eventually, marginalization.¹ These disparities were inherited from Kenya's colonial legacy – and the inequalities have long been threats to nationhood and social cohesion. This is because the disparities coincide with ethnic, linguistic, religious, and economic cleavages.² A study in 2004 observed that in Kenya “regional or geographic differences in well-being means ethnic differences since ethnic groups reside in given geographic regions.”³

1 Makoloo O. M. 2005. Kenya: Minorities, Indigenous Peoples and Ethnic Diversity, p.5

2 Cooksey, B., Court, D., and Makau, B. 1994. “Education for Self-Reliance and Harambee” in Barkan, D. J., Beyond Capitalism Vs. Socialism in Kenya and Tanzania, p.201

3 Society for International Development. 2004. Pulling Apart: Facts and Figures on Inequality in Kenya. Popular Version, p.8

Despite Kenya's politico-legal development guaranteeing inclusion of minority and marginalized communities by the new constitution ushering in devolution, concerns still persist. There is now need to shift focus to addressing intra-regional and intra-ethnic inequalities, disparities and marginalization. Kenya's engagement with marginalized and minority issues is informed by its constitutional commitment as the national instrument, which determines Kenya's compliance with participatory and inclusive governance system that is expected to ultimately deal with socio-economic inequalities in Kenya. The Constitution recognizes the primacy of respecting minority and marginalized rights and makes substantive provisions for the affirmative action in favor of these groups.

In the spirit of fulfilling its mandate, the commission in 2013 designed a community based intervention⁴ with overall goal to identify key drivers of marginalization in the history and contemporary life of the minority groups in six counties of Kenya (Baringo, Nandi, Isiolo, Laikipia, Tana-River and Kilifi) and targeted the (Il-Chamus, Terik, Watta, Yiaku, and Ilyana peoples). The commission found out that the most common and influential factors promoting perpetual exclusion and inequalities included poverty, loss of identity, negative perceptions and stereotypes, historical and contemporary political exclusion and erosion of cultural values and traditions, underrepresentation in all sectors and spheres of life, government policies including subsidy interventions and past affirmative actions, and limited educational opportunities.

In 2014, the Commission in partnership with National Land Commission audited emerging exclusion on land use and natural resource management among minority and marginalized communities. The Audit⁵ was designed to respond to the recommendations of the Truth, Justice and Reconciliation Commission (TJRC). In 2015, the Commission monitored the application of affirmative action and programs in the devolved governments in education, employment and political representation for minorities and marginalized communities.

NGEC in collaboration with National Land Commission and other agencies reviewed the Community Land Bill, Eviction and settlement Bill to ensure inclusion of issues of minority and marginalized (pastoralist and pastoralism) on land. The Commission also contributed to the development of marginalization policy by the Commission on Revenue Allocation.

Further, the commission coordinates quarterly meetings with stakeholders working on issues of Minority and Marginalized communities. Since the establishment of the Commission, a consistent and recurrent theme has been on the need to identify and map the ethnic marginalized and minorities communities at both levels of government. This study is undertaken to address this knowledge gap.

4 Flares Of Marginalization Among Selected Minority Communities of Kenya', NGEC, 2014

5 Role of Minority and Marginalized Communities in Kenya in Reduction of Emerging Exclusion and Inequalities in Land and Natural Resources Management, NGEC, 2015.

1.4 Methodology

This section of the report presents the study objectives, research design and parameters used in identifying minorities and marginalized communities.

1.4.1 Study Objectives

NGEC data on minority and marginalized groups in Kenya. This was for the purpose of improving and updating data on minority and marginalized groups. This data from 47 counties was collated and analyzed.

The primary purpose of this report is to identify and map minorities and marginalized communities in all the 47 counties. The report will inform policy decisions made by various state agencies in promoting participation and representation of minority and marginalized communities. Further, specific issues related to minority and marginalized communities were identified, as well as the profile of the said groups and communities.

1.4.2 Design and Participants

The study utilized *qualitative research design*. The qualitative nature of the research provides great insights into major issues affecting minorities and marginalized communities across the country. While the primary objective of this study is to identify minorities and marginalized in each of the 47 counties, it also presents opportunity for in-depth analysis of the basis of identification, major issues and possible remedial to integrate the minorities and marginalized communities into the social fabrics of the society. This informed the design of a questionnaire as the primary tool for data collection. To gather the requisite data, survey was conducted in each of the 47 counties. In addition, structured and semi-structured interviews were undertaken as well as Focus Group (FG) discussions with participants.

Participants were selected on the basis of their local and contextual knowledge of the minorities and marginalized communities within the county. Participants included the National administrators, community elders, religious leaders, community members, representative of civil society organizations, and county officials.

1.4.3 Identification Parameters

In article 260, the Constitution sets out certain parameters that identifies ethnic minorities and marginalized communities. These criteria include:

- a) Relatively small population
- b) Tradition community – not integrated in socio-economic development of Kenya
- c) An indigenous community – hunter and gatherer
- d) Pastoral communities, whether nomadic or settled
- e) Group of people or communities affected by laws and practices in the past.

In this study, key parameters used in identification of minorities and marginalized communities are:

a) Population:

Population is generally globally accepted parameter used to define minority or majority in a given environment. In this study, minorities are primarily defined as their population relative to the County population.

b) Location:

In most instances, significant proportions of minorities are indigenous or native population that live in isolated villages. This kind of settlement enables to preserve their culture and way of life but isolate them from the main socio-economic activities of the surrounding communities. Thus location becomes an identity factor.

c) Political representation:

Given the nature of our elective politics, it likely that these minorities and marginalized communities may not be elected at any level of representation. This is in itself is a form of marginalization.

d) Socio-economic status:

Due to past historical injustices and harsh environmental situations, most of these communities are of low socio-economic status. These factors include: low levels of literacy, high poverty levels, limited access to health care and sanitation, limited or no access to clean water.

1.5 Scope and Structure

This study primarily focuses on ethnic minorities and marginalized communities. It does not cover other form of minorities other than as defined by ethnic identity.

The report is structured as follows: Chapter 1 covers study objectives, rationale, methodology and the Commission's mandate in undertaking this specific research. Chapter 2 documents norms and standards on minorities and marginalized, whereas Chapter 3 covers benchmarks practice on protection rights of minorities and marginalized communities. Chapter 4 presents the results of the assessment, whilst Chapter 5 presents conclusions and recommendations of the study.

BENCHMARKS ON MINORITY RIGHTS PROTECTION AND POLITICAL PARTICIPATION

Introduction

Minority and marginalized groups or communities often face the risk of – and have suffered from – various forms of social, economic and political exclusion. Examining political participation from a perspective of democratic stability, minorities run the risk of being excluded from political system without special protective measures.²⁵ Therefore, minorities have fewer opportunities to make a contribution to the government’s design, implementation, monitoring and evaluation of development policies and programmes.²⁶

Since the growth of democratic ideals and institutions in the eighteenth century there have been attempts to increase the representational quality of those institutions. This first focused on increasing the size of the electorate, mainly by relaxing and then dropping literacy or property requirements for voting. Where democracy is now extended or institutionalized in post-conflict societies universal suffrage is now taken as a given, so too is the idea that representatives should in some ways reflect the population as a whole. In post-conflict societies it is often a pre-requisite of conciliation – and the development of democratic attitudes and institutions – that different parties to the conflict are ensured representation, through such mechanisms as quotas, affirmative action or federalism.²⁷

²⁵ Cülhaoğlu, B. Political Participation of Minorities: A Comparison of the Greek-Orthodox Minority of Istanbul and Turkish/Muslim Minority of Western Thrace, p.18

²⁶ UNDP, 2010. Op. Cit., p.45

²⁷ Khan, O. 2010. “Ethnic representation in democracies: How the United Kingdom and international community promote representation at home and abroad” in European Network against Racism, ENARgy, Issue 33, p.8

2.1 Kenya's Historical Perspectives

2.1.1 The Pre-Independence Period

The Pre-independence Kenya is characterized by a 'two state policy'; where one half of the country is treated differently, impacting negatively on socio-economic development of an entire region. In this respect, the District Ordinance Act 1902, created 'closed districts' policy.

According to the ordinance, the Northern Frontier Districts were closed area, and movement in and out of these districts is restricted. Movement in and out of this region required special passes. This policy created 'two nations' in one. Sentiment by colonial official aptly captures the policy of 'two Kenya' and states:

'there is only one way to treat the Northern Territories and that is to give them what protection one can under the British flag and, otherwise, to leave them to their own customs.... Anything else is certainly uneconomical.'[2]

'Two Kenya's' policy was evident from colonial time, as one district officer recalled in his memoirs:

'Kenya, as we used to call it...is divided roughly into two halves, the southern half of which consists of what we call the settled area where the white people had their farms and the agricultural natives and plantations, and the northern area which extends from Lake Rudolf to the Somali border and consists of about a hundred thousand square miles of acacia scrub, laval desert and patches of sand desert, roughly twice the size of England. The administrators in the southern half of Kenya thought we were mad to live there at all...' [3]

The Northern Kenya region was generally referred to as the Northern Frontier Districts and treated exclusively. Movement in and out of the area was restricted and only under a special pass. Another repressive legislation was the Special Districts (Administration) Ordinance, 1934, which together with the Stock Theft and Produce Ordinance (1933), gave the colonial administrators in the region extensive powers of arrest, restraint, detention and seizure of properties of "hostile tribes". The definition of what constitutes a hostile tribe was left to the Provincial Administration to determine. These laws institutionalized collective punishment of tribes and clans for crimes committed by one of the members.

The net effect of these early colonial legislations was to turn NFD into a closed zone, which had no contact or relation with the other parts of Kenya. Indeed, the other Kenyans did not know much about NFD This situation continued even after independence and is best captured by the statement of the American writer, Negley Farson, that, "there is one half of Kenya about which the other half knows nothing about and seems to care even less". This exclusion from mainstream socio-economic development of the Northern Region led

to the secessionist ideology by leaders from the region during the 1960s independence period.

In fact, it was against this background of atrocities and exclusion that the Northern Province

Peoples Progressive Party (NPPPP) was formed. The Northern Province Peoples Progressive Party (NPPPP) main agenda was the secession of NFD and re-union with Somalia. One of the objects of the new Somali government as stated in the Independence Constitution (article 6(4) was, “the union of Somali territories by legal and peaceful means”.

2.1.2 After Independence

After independence, three key amendments to the Constitution affected the Northern Kenya region significantly adversely.

(i) Act No. 14 of 1965 altered parliamentary majority required for approval of a declaration of a state of emergency from 65% to a simple majority. It also extended the period after which a parliamentary resolution must be sought from seven (7 to 21 days. Declaration of the state of emergency was made valid for 3 months instead of two (2).

(ii) Act No. 16 of 1966 extended the President’s Power to rule N.E.P by decree to Marsabit, Isiolo, Tana River and Lamu Districts. The regulations were published under the Preservation of Public Security Act, Chapter 57, Laws of Kenya as N.E. Province and contiguous Districts Regulations, 1966.

(iii) Act No. 18 of 1966 had the effect of enormously enlarging the government’s emergency powers. It completely removed existing legislation relating to parliamentary control over emergency legislation and the Law relating to Public order. Existing Constitutional Provisions were repealed and replaced by one that gave the President a blank cheque power:-

“at any time by order in the Kenya Gazette to bring into operation generally or in any part of Kenya, part III of the preservation of Public Security Act or any part thereof.”

Following these amendments made specifically for the Northern Frontier Districts, in effect Kenya had two separate legal regimes - one applied exclusively to NFD and one for the rest of Kenya. The Regulations formed the basis for the derogation of human rights and explicitly endorsed instances in which the fundamental human rights of the person could be violated.

In the process, the government arrogated to itself in the region powers that could only apply to the rest of the country when Kenya was at war. The Northern region was thus technically a war zone and virtually became a Police state. The Regulations created certain offences that were punishable without the due process of the Law. It also created

“prohibited” and “prescribed” zones in the region. The Regulations defined a “prescribed” area to mean the area comprising the North Eastern Province and the Isiolo, Marsabit, Tana River and Lamu districts and a “prohibited zone” as the aggregate of the areas within the prescribed area. In these areas the offence of possession of firearm, consorting or harboring one with a firearm was punishable by death. The offence of harboring anyone who may act in a manner prejudicial to the preservation of public security was punishable by life imprisonment. Even the owning, operating or use of boats or any other means of transport on Tana River was made a crime liable to imprisonment.

One of the most visible legacies of the emergency law period in the region is the state of underdevelopment in all aspects of life. The government’s energies and resources were largely directed towards security and the maintenance of Law and Order. No constructive or meaningful development ever took place during this period. Indeed, over 80% of the region’s budget was always spent on security leaving nothing for development. The net result is that the region is today the most underdeveloped and marginalised in Kenya. There are very few institutions of higher learning in the region. At Independence, there were only two (2) Primary Schools in the whole of NFD one in Wajir and another in Isiolo. The level of illiteracy in the area is over 80% while over 85% of the people live below the poverty line.

There are no major health facilities in the area. The infrastructure of the region is deplorable.

While the region covers over 130,000 square kilometres, it has only six kilometres of tarmac road. Education standards in the region are poor due to the lack of adequate facilities. The whole of NFD sends to the Public Universities a fraction of what one (1) school in Nairobi sends. Suffice to state that the region’s cry for affirmative action and a marshal plan for development are not without merit.

The state of underdevelopment is often cited as evidence of marginalization. The lack of government support to develop the market for the livestock industry, which is the main economic activity of the region, and the location of the Kenya Meat Commission at Athi River, far away from the NFD, is cited as marginalization of the people and the region. Over the years, the tendency for government to declare agriculture as the backbone of the Kenyan economy meant that the livestock sector was excluded in the scheme of things making this as key to marginalization. No effort was made to harness the potentials in the livestock sector.

There were no marketing or development board or research institutes for the livestock sector unlike in the other sectors of the Kenyan economy.

2.1.3 The Implications of Historical Injustices on Northern Kenya

Based on the foregoing discussion on the Northern Kenya historical injustices it can be rightly argued that colonial and post-colonial governments prepared the stage for the

woes of the people of Northern Kenya. The emergency law was in place for forty years and was only lifted five years ago. The government people from this region with suspicion. Pastoralism has remained the source of livelihood of the people living in Northern Kenya. Recent research estimates the contribution of livestock to agricultural GDP to be Kshs. 320 billion, only slightly less than that from crops and horticulture.

There was ignorance or lack of appreciation of about pastoralist livelihoods by both the colonial and post-colonial governments. The pastoral economy was rendered fragile and weak by policies and institutional frameworks. Pastoral communities could not access credit. The resultant attitude trickled down in early policy formulation in independent Kenya, which emphasized “sedentarization of nomadic pastoralist with a string focus towards crop farming”, (GOK, 2006). The paternalistic attitude to nomadic pastoralism did not take cognizance of the fact that their land was best suited to livestock production. There was impatience with the tendency to accumulate cattle albeit the fact that it protected them against the vagaries of the hostile climate and provided “social capital that beefed up status and violence. Contemporary views such as the “pastoralism is the problem”, (Hill and Peart, 2005) the Turkana with their cattle” capture the stereotypes associated with the vast populations of Northern Kenya. The following are some of the stereotypes about them:

- I. I.This way of life contributes to their poor integration into the state and the national economy;
- II. Their tradition of raiding encourages widespread possession of modern weaponry, which poses a threat to law and order;
- III. Their “cattle complex” is irrational and the cause of overgrazing and land degradation
- IV. Their mobility is inconsistent with the principles of private land ownership (Ruto, Ongwenyi and Mugo, 2009).

Because of the above attitude pastoralist increasingly felt alienated from the rest of the country. A good example of the extent of alienation experienced by Kenya’s pastoralists is how the people living in these areas regard the rest of Kenya as “down Kenya”. It is little wonder to hear those arriving in Kakuma being asked how Kenya is. The north was easy to ignore due to political expediency. Pastoral populations lack in numbers for significant political capital and therefore do not to exert influence to swing votes in any election. As a result, these areas continued to lose in terms of political power relations. At most, they were politically marginalised. Thus pastoralist communities experienced both official and non-official marginalization over the years, and are often viewed by the rest of the country as a people who do not deserve a share of the country’s ‘cake’ due to the many years of violence and conflict that have bedeviled these communities. This has informed government attitude towards these areas for much of the independence period, (KHRC, 2010: p. 10).

Colonial and independence governments devalued pastoralism as a means of livelihood, and provided little support for it in terms of water, pasture development, and veterinary

or marketing services. Whilst there are many sector based authorities and boards (e.g. Coffee Board of Kenya, Kenya Tea Development Corporation, Pyrethrum Board of Kenya) to date, there is no single authority or board to address issues affecting livestock sector in Kenya. In fact, alienation of historic pastoral areas by farmers, commercial ranchers, and wildlife reserves threatens the viability of pastoralism in this semiarid and arid region.

This side-lining has resulted in gross under-development of the ASALs manifested in high levels of poverty and constant tension and violence in these regions. The high levels of desperation and the sense of feeling abandoned by the rest of the country has provided the perfect excuse for some people (both from among the pastoralists and non-pastoralist communities) to engage in criminal activities such as livestock theft (euphemistically referred to as “cattle-rustling”) both for self-enrichment and commercial purposes. Over the years, pastoralist communities have engaged in a vicious struggle over control of grazing land and watering points mostly under the cover of cattle rustling. Oftentimes, these struggles over land and water have ended with devastating consequences, (KHRC, 2010)

While the traditional practice of cattle rustling was carried out within clearly established ‘rules of engagement’, the current practice has fundamentally deviated from such rules, into a criminal venture where the laws of the land are flouted and egregious human rights violations such as loss of life, rape and torture are visited on innocent citizens with alarming regularity. The Government makes matters even worse through the acts of its security agents who inherited the colonialists’ negative “war-like” tag attributed to pastoralist communities. Hence, the government security agents have been known to approach security challenges (like disarmament) in the ASALs with imperial ruthlessness, which has oftentimes led to the perpetration of serious human rights violations by the very security apparatus meant to restore law and order in these regions, (Palmer, 2010: KHRC, 2010:p. 9).

2.1.4 The Case of Coastal Region

The Coastal region of Kenya historical injustices relates to land adjudication. Many indigenous people were displaced in land allocation, with many living as squatters in their ancestral land. The onset of colonial rule instigated further loss of land by the Mijikenda. Both the British and the Arabs conveniently partitioned the Coastal land between themselves with total disregard to the indigenous peoples. The land was secured for the two powers with the passing of the Land Titles Ordinance of 1908, which required all persons with claims to land to present them to the Land Registration Court, failing which all unclaimed land was deemed Crown Land.

Given the dearth of information and lack of verifiable evidence of ownership (title deeds), the Africans at the Coast, particularly within the 10-mile strip, were dispossessed of their lands and have continued to live as “tenants at will” at the mercy of those who made claims without their knowledge, (Paul Syagga: p. 8). As if the indigenous population did not exist, the British government went ahead to resettle some 5,700 ex-slaves in Kilifi in

1911. This land, though under crown land belonged to the indigenous people. The Crown Lands Ordinance of 1915, which became the Government Lands Act (Cap. 280), was used as the most effective tool of political patronage by successive governments of Kenya. The Act vests in the President all the powers regarding leasing, granting and disposition of government land.

2.1.5 The Case of the Maasai Land Rights

The Maasai land rights remains a thorny issue in the Kenyan historical context. The Maasai have experienced historical injustices and marginalization during the colonial and postcolonial periods, (Hodgson, 2011). During the colonial period, the Maasai lost their land to the European settlers. The Anglo-Maasai Agreement of 1904, signed between the Governor Donald Stewart and Maasi Olonana ole Mbatany stated that the Maasai willingly gave away land, (Ndaskoi, 2012). By entering into this treaty, the Maasai technically signed away land rights to seasonal grazing lands in the Rift Valley. The promise in this treaty was to leave the Maasai in Laikipia ‘for as long as Maasai as a race shall exist’ (Hughes, 2006). The British betrayed this trust by signing the second treaty in 1911. By this treaty, forcibly moved the

Maasai from the prized pastures of Laikipia plateau confining them to poorly watered ‘native reserve’ in the southern parts of the country.

The Maasai would not have ‘come to a unanimous and even enthusiastic decision to move to the southern reserve’ because they knew too well that Laikipia had the best pastureland, (Hughes, 2006). Laikipia was some two million acres of land in the former northern Maasai Reserve. Since then, the Maasai have lived in the southern reserve where again in the name of ‘development’; have continued to lose more land, (Kantai, 2007)). Therefore, it must be understood that the Maasai do not live in the southern region by choice because their grandparents suffered the horrific removal by the British regime. The eviction of the Maasai from the Rift Valley and Laikipia perpetrated great injustice that has repercussion to this day. As if losing land was not enough, the Maasai have continued to lose a wide range of habitat necessary for transhumant pastoralism, (Hughes, 2006). Acute population pressure, land degradation, erosion of subsistence livelihoods, increased vulnerability to drought and famine has its roots to horrific land alienation.

The Maasai struggle for land is not without justification. They have been holding demonstrations against what they still affirm as historical events that robbed them of their ancestral land. In 2004, for example, John Letai, the then president of the Organization for Indigenous Peoples of Africa (OIPA) clearly articulated the Maasai land issue when he said that the settler ranches have wild animals having a holiday behind electric fences while the rightful owners are languishing in abject poverty, (Ndaskoi, 2012). Laikipia has white settlers, who are the descendants of the colonial settlers still occupying large tracks of land and in the past century have been joined by wealthy and well-connected Kenyans have established commercial ranches, representative of the new forces of dispossession, (Daily Nation, 25, 2004). For example, Michael Dyer who owns some 32,000 acres of Borana Ranch in Laikipia is among the landed few who have forced the Maasai in the

unpleasant state of limbo, (Ndaskoi, 2012). Other ranchers who have continued to enjoy the government's nursing treatment include Ms. Odile de Weck, who inherited some 3,600 acres of Loldoto farm from her father and Mr. Jack Kenyon who owns 16,000 acres of ranch, (Kantai, 2007). When the Maasai seek to graze their cattle in these farms, they are often referred to as illegal invaders and are forcibly evicted. Thanks to history, the Maasai lost the right to use land and now have no chance of getting back their right of ownership as the land is privately owned by others.

The sessional paper no. 10 of 1965 set unequal development pace for the Kenyan nation. The development agenda was premised on investing resources in high potential regions with other regions benefitting from the spill-overs. This developmental philosophy indeed sets the foundation of economic disparities, with especially the Northern regional largely marginalized.

The foregoing discussions, in an abridged version documents historical injustices that has affected certain regions and communities of Kenya. The Constitution of Kenya (2010) has provisions for remedying these injustices, but the issue must be approached from the point of knowledge of the past, which has contributed to the current situation. It is against this background that article 100 of the constitution requires a mechanism be set in place to promote representation of marginalized groups in Parliament.

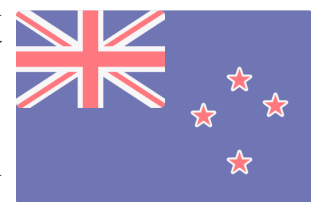
2.2 Practices in Other Countries on Representation of Minorities and Marginalized Communities

In recent years a growing number of countries have established quotas to increase the representation of women and minorities in electoral politics. Policies for women exist in more than one hundred countries while those on minorities are present in more than thirty countries.

Quotas and reserve seats are the most significant mechanisms to promote representation of minorities and marginalized groups in electoral process. In general, this is done in form of quotas in legislative bodies or within political parties. Legislated Quotas (LQs) is a form of affirmative action to enhance representation of minorities in legislative and public offices.

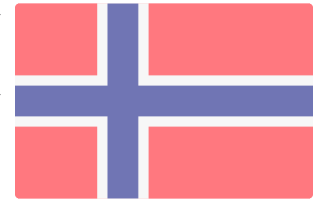
NEW ZEALAND

New Zealand has the best example on political representation of ethnic and indigenous minority community, the Maori. New Zealand has had a reserved seat for the Maori people since 1867. Since 1867 to 1996, there were four seats reserved seat for Maori. In 1993, New Zealand adopted Mixed Member Proportional electoral system. This offered better opportunities for Maori to be elected to the Parliament. The number of Maori electoral districts was increased from four to seven. Progressively, mainstream political parties willingly gave the Maori preference on partly list, electing up to 19 members (out of the 120 member parliament) on the mainstream political parties' tickets.



NORWAY

The Sami are indigenous minority in Norway, Sweden, Finland and Russia. They have their own areas, languages, culture and history. About 70% of the Sami people live in Norway, largely concentrated in the north of the Country.



In 1984, the Sami Rights Commission proposed establishment of a Sami Assembly. The Norwegian Parliament passed the Sami Act in 1987, which created the structure, responsibilities and powers of the Sami Assembly. The Assembly was officially opened in 1989. The Assembly comprises 39 members, with three members elected from each of the 13 constituencies of the Country. Members are elected for a term of four years by Sami people registered on the Sami electoral register.

ROMANIA

Romania has developed an elaborate electoral system that promotes political representation of ethnic majorities. Parliament has been at the Centre of this progressive system. Both proportional representation and reserved seats are applied to ensure various ethnic minorities are represented in parliament. Hungarians, the largest ethnic minority has consistently had political representation through proportional representation system whereas smaller ethnic groups are represented through the reserved seats.



NIGER

Eight seats in the National Assembly are reserved for the Tuareg minority group. Tuareg are a nomadic population that does not occupy a particular territory. While the ten per cent gender quota is integrated into the ordinary proportional candidate lists, for the eight constituencies corresponding to the region, the quotas for the Tuaregs specifies a creation of a different set of eight constituencies. Tuareg candidates compete among themselves, and only Tuareg vote in those territorially overlapping constituencies.



TAIWAN

The National Assembly comprise of 113 seats. 79 of these are elected from elected from constituencies, while 34 are proportionally distributed. Among the 79 seats, 73 are constituted from First Past the Post (FPTP) single member constituencies. The remaining six are elected from two specially created territorially overlapping, three-member constituencies in which only the indigenous Austronesian inhabitants of Taiwan can vote and stand for election. Among the party-list candidates for the 34 proportionally distributed seats, 50 per cent are for women.



AFGHANISTAN

Ten seats are reserved for a nomadic population, the Kuchis. A nationwide Kuchi constituency is created and overlaps with other electoral districts. All Kuchis are granted special Kuchi-card and vote in designated Kuchi polling stations for the ten Kuchi seats. According to the Afghanistan constitution 68 (27%) of the 249 seats are reserved for women.



JORDAN

Whereas 10% of the 120 elective seats are reserved for women, another 12 seats are specifically set aside for minorities. These minorities are Christians and Chechens. Nine seats are reserved for Christians and three for Chechens (Circassians).



However, as envisaged in the constitution, population is only a guide. The past historical context of injustices that requires redress through political representation is paramount.

Additionally, most of these communities also led a different lifestyle from the other Kenyans, either as nomads or hunters and gatherers.

RESULTS AND DISCUSSIONS

3.1 Minorities and Marginalized Communities at National Level

The 2009 Housing and Population Census indicates that national population is highly skewed with the top five communities comprising 64.4% and the top ten communities making up 88.2% of the total population. A significant number of minority communities comprising of 23 ethnic communities constitute 6.4% of the total national population. Each of this community's population is below 0.5% of the national population as shown in Table 1. Notably, some of these small ethnic communities are majority in some counties. Though such communities don't feature as a minority and marginalized using county data, at national level they are just as marginalized and significant minority that requires state affirmative actions to facilitate their socio-economic development.

In addition, the minority communities also constitute a significant proportion of the population that is marginalized based on specific criteria as determined by the assessment on minorities and marginalized. These criteria are: inadequate political representation, high unemployment levels, low literacy, poverty, lack of social amenities and retrogressive cultural practices. These are six dominant factors affecting the minorities and marginalized communities in Kenya as shown in

Figure 1. The criteria and community's numerical size are applied to determine national minorities and marginalized communities. Based on these criteria, the following are the national minority and marginalized communities, found in Kenya at the time of the assessment.

- | | | |
|-------------|--------------|------------|
| 1. Konso | 10. Walwana | 19. Swahil |
| 2. Isaak | 11. Taveta | 20. Basuba |
| 3. Njemps | 12. Gosha | 21. Borana |
| 4. Leysan | 13. Burji | |
| 5. Waat | 14. Sakuye | |
| 6. Galjeel | 15. Ilchamus | |
| 7. Galla | 16. Rendille | |
| 8. Dasenach | 17. Orma | |
| 9. Nubi | 18. Gabra | |

Table 1: Kenyan Population by Ethnic Affiliation – Census 2009

	Tribe/Nationality	Total	% Contribution to total	Cumulative%
1	KIKUYU	6,622,576.00	17.15%	17.15%
2	LUHYA	5,338,666.00	13.83%	30.98%
3	KALENJIN	4,967,328.00	12.87%	43.85%
4	LUO	4,044,440.00	10.48%	54.33%
5	KAMBA	3,893,157.00	10.08%	64.41%
6	KENYAN SOMALI	2,385,572.00	6.18%	70.59%
7	KISII	2,205,669.00	5.71%	76.30%
8	MIJIKENDA	1,960,574.00	5.08%	81.38%
9	MERU	1,658,108.00	4.29%	85.67%
10	TURKANA	988,592.00	2.56%	88.23%
11	MASAI	841,622.00	2.18%	90.41%
12	KENYA (SO STATED)	610,122.00	1.58%	91.99%
13	TESO	338,833.00	0.88%	92.87%
14	EMBU	324,092.00	0.84%	93.71%
15	TAITA	273,519.00	0.71%	94.42%
16	KURIA	260,401.00	0.67%	95.09%
17	OTHER AFRICANS	244,866.00	0.63%	95.72%
18	SAMBURU	237,179.00	0.61%	96.33%
19	THARAKA	175,905.00	0.46%	96.79%
20	MBEERE	168,155.00	0.44%	97.23%
21	BORANA	161,399.00	0.42%	97.65%
22	BASUBA	139,271.00	0.36%	98.01%
23	SWAHILI	110,614.00	0.29%	98.30%
24	GABRA	89,515.00	0.23%	98.53%
25	EAST AFRICA	75,073.00	0.19%	98.72%
26	ORMA	66,275.00	0.17%	98.89%
27	RENDILE	60,437.00	0.16%	99.05%
28	KENYAN ASIANS	46,782.00	0.12%	99.17%
29	KENYAN ARABS	40,760.00	0.11%	99.28%
30	ASIANS	35,009.00	0.09%	99.37%
31	ILCHAMUS	27,288.00	0.07%	99.44%

	Tribe/Nationality	Total	% Contribution to total	Cumulative%
32	EUROPE	27,172.00	0.07%	99.51%
33	SAKUYE	26,784.00	0.07%	99.58%
34	BURJI	23,735.00	0.06%	99.64%
35	GOSHA	21,864.00	0.06%	99.70%
36	TAVETA	20,828.00	0.05%	99.75%
37	WALWANA	16,803.00	0.04%	99.79%
38	NUBI	15,463.00	0.04%	99.83%
39	DASENACH	12,530.00	0.03%	99.86%
40	GALLA	8,146.00	0.02%	99.88%
41	GALJEEL	7,553.00	0.02%	99.90%
42	WAAT	6,900.00	0.02%	99.92%
43	AMERICANS	6,014.00	0.02%	99.94%
44	LEYSAN	5,941.00	0.02%	99.96%
45	NJEMPS	5,228.00	0.01%	99.97%
46	KENYAN EUROPEANS	5,166.00	0.01%	99.98%
47	ISAAK	3,160.00	0.01%	99.99%
48	KENYAN AMERICANS	2,422.00	0.01%	100%
49	KONSO	1,758.00	0.00%	100%
50	AUSTRALIANS	719.00	0.00%	100%
51	CARIBBEANS	112.00	0.00%	100%
	KENYAN TOTAL	38,610,097.00	100.00%	100%

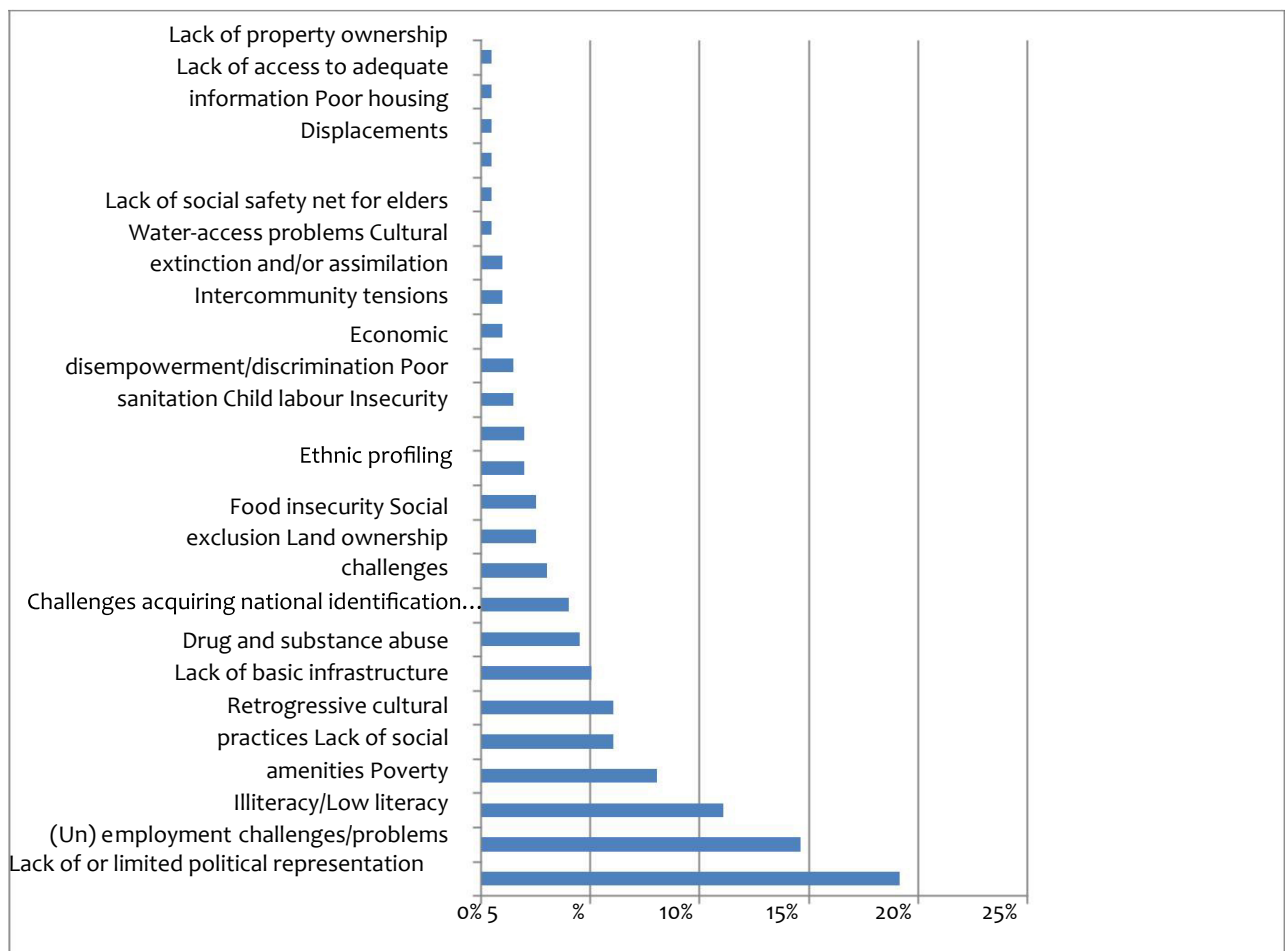
3.2 Minorities and Marginalized Communities at County Level

This section of the report presents county-specific analyses for minority and marginalized communities of each of the 47 counties. The order of counties follows that in the First Schedule of the Constitution of Kenya 2010. The analyses cover: ethnic identity of minorities and marginalized communities, key issues affecting them and possible remedial measures.

Lack of, and/or, limited political participation is a predominant concern in relation to minority and marginalized groups across all counties. The other challenges these groups face are such as low literacy levels, lack of basic infrastructure and social amenities, and difficulty acquiring national identity documents among others (see Figure 1) – point to systemic exclusion.

Though some communities are not captured in the National Housing and Population Census, they featured as distinct ethnic communities in our assessment. These communities have been recorded in this assessment in their respective counties as distinct ethnic groups.

Figure 1: Major Issues Affecting Minority and Marginalised Groups in Kenya



MOMBASA (001)

Mombasa County lies on the shores of the Indian Ocean along Kenya's coastline. It is located on the South Eastern part of the Kenya Coast. It borders the Indian Ocean to the East and South East, Kilifi County to the North and Kwale to the West and South West.

The Port of Mombasa is the largest in East Africa and a vital gateway for imports to Kenya and its neighboring countries.

Table 2: Communities identified as minority and marginalized in Mombasa County are as stated below.

Category	Name	Location
Minority	Wanjomvu	Miritini, Mikindani, Bamburi,Changamwe
	Barawa	Old Town, Kisauni, Likoni, Kongowea
	Asian Baluchi	Old Town, (Makandara Sub Location)
	Indians	Old Town, Tononoka
	Badala (Indians)	Tudor, Old Town
Marginalized	Rabai	Miritini
	Duruma	Miritini Njomvu
	Orma	Bamburi
	Digo	Likoni
Minority & Marginalized	Makonde	Likoni, Bamburi, Mtongwe
	Nubian	Majengo,Kongorani, Bamburi

Major issues affecting the minority and marginalized communities in the Country are: lack of identification documents like the National Identity Card, ethnic profiling, lack of political representation and economic empowerment.

Possible intervention measures to consider are among others to provide basic identification documents to these groups through the existing vetting mechanism. The political parties should also consider these groups for nominations to county and national assemblies for inclusivity and fair political representation, as well as in other state agencies for involvement in decision making.

KWALE (002)

Kwale County is located in south coast of Kenya, it borders the Republic of Tanzania to the South West, and the following Counties; Taita Taveta to the West, Kilifi to the North, Mombasa to the North East and the Indian Ocean to the East.

Table 3: Communities identified as minority and marginalized in Kwale County

Category	Name	Location
Minority	Somalis	Mackinon Road
	Indians	Kinango Location
Minority & Marginalized	Makonde	Msambeni, Kidimu-pongwe Kigwende-Shirazi, Kinondo, Diani
	Watta	Mackinon-road, Kilibasi
	Tswakans	Pongwe-Kidimu
	Kifundi	Pongwe-Kidimu, Shirazi
	Wavumba	Kasini, Vanga
	Wapemba	Vanga, Pongwe-Kidimu
	Nubians	Mazeras

Major issues affecting minority and marginalized communities in this county are: Landlessness due to lack of title deeds and political representation in elective politics. Pemba communities lack basic identification document.

Possible interventions measures to alleviate these communities' representational and socio-economic challenges are to consider issuing them with essential identification documents through the existing vetting mechanism as well as issuance of title deeds. Political parties also need to consider these communities for representation to county and national assemblies, and other arms of the state.

KILIFI (003)

Kilifi County covers a total surface area of 12,610 km² and accounts for 2.17 per cent of Kenya's total surface area. It borders the counties of Tana River to the North, Taita Taveta to the West, Mombasa and Kwale to the South and the Indian Ocean to the East.

Table 4: Communities identified as minority and marginalized in Kilifi County

Category	Name	Location
Minority	Bajuni	Malindi Town, Gongoni, Ngomeni, Watamu, Kilifi Township, Takaungu, Mtwapa
	Somali	Malindi, Kilifi, Mtwapa
Minority & Marginalized	Watta	Adu, Chamari, Mitangale, All Over, Tsalasini, Tezo

Major issues affecting these communities are lack of access to basic infrastructure such as schools, health facilities and roads. They also lack political representation in the county and national assemblies.

There is need for affirmative action at both levels of government to provide basic social amenities to these communities. Political parties consider these communities for nomination to county and national assemblies.

TANA RIVER (004)

Tana River County covers a total surface area of 38,437km² and accounts for 6.61 per cent of Kenya's total surface area. The County, named after the Tana River itself, borders Garissa to the North, Isiolo to the Northwest, Lamu to the Northeast, Kilifi to the Southeast, Taita Taveta to the South, and Kitui to the West. It is situated in a semi-arid area with annual relief rainfall varying between 400mm and 750mm.

Table 5: Communities identified as minority and marginalized in Tana River County;

Category	Name	Location
Minority	Munyoyaya	Madogo/Maroro, Sala, Bura, Asako, (North), Chewani, Zubake, Karkacha, Kiarukungu, Ngombeni (Galole), Bilisa (Delta)
	Bajuni	Kipini, Bilisa (Delta)
	Malakote/waliwana	Chewe, Madogo, Nanighi, Bura, Maroro (North), Bilisa, Danisa (Delta), Kiarukungu, Karkacha (Galole)
	Giriama	Wachuoda, Kilelengwani (Delta)
Minority & Marginalized	Somali	Boka, Kamaguru, Bangili, Chavidende, Bura, Hirimani, Wanigi, Chewele (North), Chifiri, Woldena, Zubaki, Makere (Galole), Minjila Chara, Kipini, Mwina (Delta)
	Watta	Sala (North), Mikinduni, Chewani, Kiarukungu (Galole), Bilisa, Wachuodha (Delta), Chewele, Danisa, Chewator

Major issues of concern among these communities are: child labour, high unemployment rates, and lack of access to social amenities, and severe drug abuse affecting youths and families.

The communities are also not represented politically. Possible intervention measures are to consider providing employment opportunities of these communities in county and national government. The political parties ought to nominate these minorities and marginalized communities in county and national assemblies to provide them with representational voice.

LAMU (005)

Lamu County has a population of 101,539 and an area of 6,273.1km². Founded in the 14th Century, Lamu Island which is part of the County is one of the original Swahili settlements along the Coast of Eastern Africa with tourism being a major economic activity.

Table 6: Communities identified as minority and marginalized in Lamu County are;

Category	Name	Location
Minority	Giriama	Witu, Didewaride, Hindi, Mapenya, Mpeketoni, Langoni, Hongwe, Mkomani, Shella, Matodoni (West)
	Somali	Kiunga (East), Mkomani, Witu, Pandanguo, Baharini (West)
Minority & Marginalized	Boni	Hindi, Witu, Pandanguo (West), Kiunga, Patte, Foza, Basuba (East)
	Orma	Witu, Didewaride, Langoni, Mkomani, Baharini, Matondoni, Mkunubi, Makowe (West)
	Pokomo	Witu, Hindi, Mkomani, Langoni (West), Patte (East)
	Sanye	Mapenya, Ndambwe, Mkunumbi, Witu, Hindi, Baharini (West), Foza, Patte, Siu (East)
	Watta	Witu (West), Dide Waride, Waradhe, Seti.

Major issues affecting these communities are lack of access to basic infrastructure such as schools, health facilities and roads. They also lack political representation in the county and national assemblies. They are also affected by severe drug and substance abuse affecting youths and families. Unemployment rate among this group is very high.

Both levels of governments should consider instituting affirmative measures to alleviate myriads of socio-economic challenges faced by these communities. Political parties need to consider them for nomination in county and national assemblies.

TAITA TAVETA (006)

Taita Taveta County covers a total surface area 17,084 kilometer square and accounts for 2.94 per cent of Kenya's total surface area. It borders Tana River, Kitui and Makueni Counties to the North, Kwale and Kilifi Counties to the East, Kajiado County to the northwest and the Republic of Tanzania to the South and Southwest.

Table 7: Communities identified as minority and marginalized in Taita Taveta County are;

Category	Name	Location
Minority	Pare	Mata, Kimorigo, Kitobo, Chala
	Maasai	Kasigao
Minority & Marginalized	Watta	Voi, Sagala, Marungu

Watta community is a minority and marginalized in the county. This community is characterized by high poverty, illiteracy and unemployment levels. They are also socially excluded from the primary economic activities in the county. They have no political representation.

The government should initiate appropriate remedial measures to integrate this community in the socio-economic activity of the country both at county and national level. Provision of basic social amenities such as schools, and health facilities should be prioritized.

GARISSA (007)

Located in North Eastern Kenya, Garissa County borders Somalia to the East, Wajir and Isiolo to the North, Tana River to the West and Lamu to the South. Its total land cover is 44,175 kilometer square.

Table 8: Communities identified as minority and marginalized in Garissa County are;

Category	Name	Location
Minority	Sakuye	Madine
	Borana	Madine
	Harti	Madine
Minority & Marginalized	Boni	Bodhani
	Aweer/ Watta	Bodhani

Boni is a minority and marginalized community in Garissa County. Other minorities residing in the county are: Borana, Sakuye and Harti. Boni community is a small, isolated community characterized by high unemployment, poverty and illiteracy levels. The community is affected by severe drug and substance abuse impacting negatively on youths and families, lack of land rights and political representation.

WAJIR (008)

Located in North Eastern Kenya, it borders the following counties; Mandera to the North and North East, The Republic of Somalia to the East, Garissa to the South and South West, Isiolo and Marsabit to the West, and the Republic of Ethiopia to the North West. Its total land cover is 56,685 kilometer square.

Table 9: Communities identified as minority and marginalized in Wajir County are;

Category	Name	Location
Minority	Arabs, Harti, Issak, Barawa, Kikuyu, Meru, Luo, Kamba, Maasai, Ashraaf, Shegal,	Township and Central
	Garre	Hodhan, Central and Bute
Minority & Marginalized	Borana,	Township, Central and Buna
	Murule	Township and Central

Borana and Murule communities are minorities and marginalized community in Wajir county. These communities have limited political representation. The youths are affected by substance abuse. Governments should initiate affirmative action that supports these communities integration into the local and national economy through political representation and provision of basic social amenities.

MANDERA (009)

Located in the North Eastern part of Kenya, it borders Ethiopia to the North, Somalia Republic to the East, and Wajir County to the South and South West. Its total land cover is 25,991.5 kilometer square.

Table 10: Communities identified as minority and marginalized in Mandera County are;

Category	Name	Location
Marginalized	Degodia	Central, Barwaqo, Mandera North.
Minority & Marginalized	Watta	Central, Kamor, Barwaqo
	Corner Tribes (Shegal, Warabey, Gabaweih, Sharmuge, Shabelle, Leisah, Marehan, Hawadhi, Ashraaf)	Bulla Jamhuria, Cenral, Bulla Mpya, Barwaqo, Township, Kamor, BPI, Neboi, Shafshafay, Garbaqolley, Hare Hosley, Fiko, Karo, Bulla Haji, Bur Abor, Bella, Gingo, Khalalio, Gadudiya

Watta community is the predominant minority and marginalized community in Mandera County.

There are also some small communities coalesced together as ‘corner tribes’. Watta are completely excluded from political representation. They are socially isolated since no other community intermarries with them. The youths are severely and negatively affected by drugs and substance abuse, low literacy rates and high level of poverty & unemployment.

The government should initiate appropriate remedial measures to integrate this community in the socio-economic activities at county and national level. Political parties should consider nominating these minorities for representation especially at the county assembly.

MARSABIT (010)

Located in Eastern Kenya bordering Ethiopia to the North and North East, Wajir County to the East, Isiolo County to the South East, Samburu County to the South and South West and Lake Turkana to the West and North West. It is the largest county in terms of the land mass with an area of 70,961.

Table 11: Communities identified as minority and marginalized in Marsabit County are;

Category	Name	Location
Minority	Sakuye	Dabel, Township, Sololo-mkutano (Moyale), Turbi (MarsabitNorth), Sagante, Nagayo, Quilta Korma, Mountain(Central)
	Burji	Dakabaricha, Mountain, Nagayo, Badasa(Central), Manyatta, township(Moyale)
	Sidam	Badasa,Majengo,Shauri yako,Dakabaricha
Minority & Marginalized	Watta	North Hoor, Malabot, Dukana,(North Hoor), Maikona, Kalacha,Hurri Hills, Turbi (North), Darib Gomba, Sagante, Quilta,Dakabaricha, Mountain, Jirime, Nagayo (Saku), Butiye Sololo,Makutano (Moyale),Somare,Uran Odha.
	Konso	Dakabaricha, Nagayo, Mountain, Jirime,sagante (Central), HurriHills (North), Rawana (Sololo),Moyale township
	Elmolo	Loyangalani, Elmolo Bay(Loyangalani),Marsabit township
	Dasanach	Illeret (North Hoor)
	Turkana	Jirime, Karare, Nagayo, Dakabaricha, Loyangalani, Karatina,Karare Schemes (Central), South Horr.

The minorities and marginalized communities in the county have limited political representation. These communities are affected by retrogressive cultural practices, and drugs and substance abuse especially among youths. These communities are also characterized by high level of poverty and illiteracy.

To the credit of political parties and county political leaders' considerations, Elmolo, Dasnach and Turkana are represented in the county assembly. However, there is need to integrate these minorities in all spheres of the socio-economic and political activities of the county.

Possible intervention measures for considerations are to provide these communities with appropriate social amenities and increase their political representation through nominations by political parties both at county and national level.

ISIOLO (011)

Located in the upper Eastern region of Kenya, this county borders seven counties with Garissa to the East, Wajir to the North East, Meru to the South West, Samburu to the East and Marsabit to the North West, with Kitui and Tana River counties to the South West and South East respectively. Its total land cover is 25,336.1 kilometer square.

Table 12: Communities identified as minorities in Isiolo County are;

Category	Name	Location
Minority	Nubian/Arera	Kambi Garba, Tullu Roba
	Watta	Garba Tulla, Sericho, Endera, Chari
	Gabra	Kambi Juu, Merti, Bulesa, Bisan, Bihiko, Chari, Kon
	Laikipia Maasai(Ndorobo)	Leparua, Lengwesi
	Lesan	Garbatulla, Modagashe, Kambi Garba, Sericho

Minority communities are the watta, Nubian and Gabra, Laikipia Maasai, Lesan. Like minorities in other counties, these communities are characterized by high poverty and illiteracy levels. They also experience limited employment opportunities and lack of political representation.

Both levels of governments should institute measures to provide better opportunities for these communities in education and employment.

MERU (012)

Located in Eastern Kenya bordering Isiolo County to the North and North East, Tharaka County to the South, Nyeri County to the South West, and Laikipia County to the West. Its total land cover is 6936 kilometer square.

Table 13: Communities identified as minority and marginalized in Meru County are;

Category	Name	Location
Minority	Indian	Anjuki, Kianjai, Meru Municipality, Taita Location
	Somali	Maua, Meru Municipality
	Ndorobo	Gocici, Ngarendare, Kisima, Subuiga
	Kamba	Thangatha, Nguyuyu
Minority & Marginalized	Turkana	Ngaremara, Gambela, Kisima, Ngarendarae, Subuiga
	Borana	Ngaremara And Gambela

Turkana and Borana communities are two communities identified as minority and marginalized in Meru County. They have no political representation in the county and very limited employment opportunity. They are characterized by high poverty and illiteracy levels.

The political parties should consider nominating these minorities in County Assembly and Parliament. There is need for affirmative action by government to enhance educational and employment opportunities of these minorities at national and county level.

THARAKA NITHI (O13)

Located in Eastern, it borders Meru to the North, Kitui to the East and Embu to the South, South-West and West. Its total land cover is 2,639 kilometer square.

Table 14: Communities identified as minority and marginalized in Tharaka Nithi County are;

Category	Name	Location
Minority	Mbeere/ Embu	Kamwimbi, Itugururu, Kamainde
	Turkana	Tharaka South
Minority and Marginalized	Mbeere/ Embu	Kamwimbi, Itugururu, Kamainde

Turkana and Mbeere are the marginalized and minority communities in Tharaka-Nithi County.

Major issues affecting the marginalized communities are lack of good social amenities such as schools and health facilities. They have limited political representation. These communities are characterized by low literacy, high unemployment levels and child marriages.

The government should undertake remedial measures to integrate these communities into the socio-economic developments of the county and the country. These include provision of basic infrastructure such as schools and health facilities. Political parties to consider these minorities for nomination at all levels for inclusive representation.

EMBU (014)

Located in Eastern Kenya, it borders the following counties; Tharaka Nithi to the North, Kitui to the East, Machakos to the South, Muranga to the South West, Kirinyaga to the West, and Meru to the North West. Its total land cover is 2,818 kilometer square.

Table 15: Communities identified as minority and marginalized in Embu County are;

Category	Name	Location
Minority	Mbeere	Kieni South, Kagaari South East
	Indians	Embu West
	Kamba	Karaba, Mwea, Makima
	Luo	Mwea, Machang'a
	Kikuyu	Embu west, North & Mbeere South
Minority & Marginalized	Tharaka, Kisii	Kamarandi
	Somali	Embu Municipality, Runyenjes Township, Ngandori East, Kagaari North West

The minorities and marginalized communities in Embu County are the Tharaka, Kisii and Somali. These communities are characterized by high poverty, illiteracy and unemployment levels. They are also not politically represented through elective political process.

The government should undertake remedial measures to integrate these communities into the socio-economic developments of the county and the country. These include provision of basic infrastructure such as schools and health facilities. Political parties to consider these minorities for nomination at all levels for inclusive representation.

KITUI (015)

Located in Eastern Kenya, it borders the following counties; Tana River to the East and South East, Taita Taveta to the South, Makueni and Machakos to the West, Embu to the North West, and Tharaka and Meru to the North. Its total land cover is 30,496 kilometer square.

Table 16: Communities identified as minority and marginalized in Kitui County are;

Category	Name	Location
Minority	Kikuyu	Scattered in the urban centre within these sub-counties
	Luo	Kitui Township, Mwingi
	Somali	Along major highway, urban areas, Kitui Central
	Arabs and Indians	Township Location
	Meru	Kitui township
Minority & Marginalized	Tharaka	Tharaka, Kanthungu
	Giriama / Oroma	Mutito, Ikutha, Voo

The minorities and marginalized communities in the county are geographically isolated. They are characterized by high poverty, illiteracy and unemployment levels. They have no political representation.

Possible intervention measures are to provision of infrastructures such as schools and health facilities. Political parties should consider these communities for nomination in the county assembly and parliament. Deliberate steps should be taken to provide these communities with employment opportunities at county and national levels.

MACHAKOS (016)

Located in Eastern, it borders Embu, Muranga and Kiambu Counties to the North, Nairobi and Kajiado Counties to the West, Makueni County to the South and Kitui County to the East. Its total land cover is 6,208 kilometer square.

Table 17: Communities identified as minority and marginalized in Machakos County are;

Category	Name	Location
Minority	Asian	Mavoko , Machakos Town, Kangundo, Yatta
	Kikuyu	Yatta, Masinga,Kilimambogo,Matuu,Kithimani & Ngoliva
	Borana	Machakos Town
	Kisii	Kayatta, Komarock, Kilimambogo
Minority & Marginalized	Maasai	Afhi River North, Mlolongo
	Luo	Kivaa, Ekalakala, Ndithini, Mananza, Yatta Matuu
	Swahili	Township

Major issues affecting the minorities and marginalized communities in this county are: lack of political representation, high levels of illiteracy, poverty and unemployment. Youths are affected by drugs and substance abuse and alienated politically.

To give them ‘political voice’, political parties consider these minorities and marginalized communities for nomination at the County assembly. The government at both levels should institute affirmative actions to offer equal socio-economic opportunities to these communities.

MAKUENI (017)

Located In the Southern part of Eastern province and borders four counties with Kitui to the east, Taita Taveta to the South, Kajiado to the West and Machakos to the North. Its total land cover is 8008 kilometer square.

Table 18: Communities identified as minority and marginalized in Makueni County are;

Category	Name	Location
Minority	Asians	Makindu,Kibwezi,Mtitu Andei & Wote
	Somali	Emali and all major towns in Nzau
	Kikuyu	Wote, Makindu, Malili, Emali
	Maasai	Emali, Kiou (Sultan Hamud)
	Luhya	Wote,Kathozweni
	Luo	Wote,Makueni

The Maasai community is identified as both a minority and marginalized. Major socio-economic issues affecting this community are high illiteracy and unemployment levels. Their pastoralist way of life is affected by limited access to water for human and livestock consumption.

Government need to take affirmative actions that provide this community with access to learning facilities and employment opportunities. The County government considers digging boreholes at various points to support their pastoralist way of life, which is the mainstay of this community.

NYANDARUA (018)

Located in Central Kenya, it borders the following Counties. Laikipia to the North and North East, Nyeri and Murang'a to the East. Kiambu to the South, and Nakuru to the South West and West. Its total land cover is 3,245.3 kilometer square.

Table 19: Communities identified as minority and marginalized in Nyandarua County are as stated below.

Category	Name	Location
Minority & Marginalized	Turkana	Kagaa, Kagunda, Rurii, Weru, Tumaini, Sabugo, Kanyagia, Kahutha, Muihoka
	Borana	Kagaa, Maroinya
	Somali	Kiringi, Maroinya
	Kisii	Ndemi, Gatondo, Rurie, Gichungo, Kaembaga, Mawingo, Tumaini, Kagunda, Sabugu, Oljororok, Kiringi, Olraemutia, Gatimo, Kiwanja, Gikingi among others
	Samburu/ Maasai	Kavotha, Kanyari, Ikingi, Oljororok

Turkana, Borana, Somali and Kisii are the minorities and marginalized communities in Nyandarua County. These communities have no representation in the county political space.

Their participation in the socio-economic activities of the County and Country is affected by lack of basic identification documents such as the National Identity Cards.

There is need for government to initiate affirmative actions for the minorities in Nyandarua County to have access to National Identity Cards within the existing framework. A deliberate and concerted effort should be made by the government. In addition, political parties should consider these minorities and marginalized for nomination in the County Assembly.

NYERI (019)

Located in central Kenya, it borders Kirinyaga and Meru to the East, Laikipia to the North, Nyandarua to the West and Muranga to the South. Its total land cover is 3,337 kilometer square.

Table 20: Communities identified as minority and marginalized in Nyeri County are;

Category	Name	Location
Minority	Borana	Majengo Slums, Sorios
	Somali	Majengo, Narumoru
	Luos & Luhya	Nyeri town & Karatina
	Asians & European	Scattered
Minority & Marginalized	Turkana	Colonial villages in the listed sub counties (9 villages in Kieni West, 5villages in Tetu, 1 willage in Nyeri Central (Gatitu)

The minorities and marginalized communities in the county are characterized by lack of political representation, high levels of illiteracy and unemployment. They also affected by retrogressive cultural practices.

Political parties need to take affirmative action to alleviate political underrepresentation of these communities by nominating them to the county assembly. There is also need to accord them equal opportunity in access to learning facilities and employment.

KIRINYAGA (020)

Located in central Kenya, it borders the following counties: Meru to the North, Embu to the North East, East and South, Murang'a to the South West, and Nyeri to the West. Its total land cover is 1,479.1 kilometer square.

Table 21: Communities identified as minority and marginalized in Kirinyaga County are;

Category	Name	Location
Minority	Indians	Kutus, Tebere, Kibingo, Mwerua, Kinne, Scattered over Mwea East and West and Kirinyaga West
Minority & Marginalized	Somali & Borana	Kerugoya, Tebere, Mwerua

The Borana community is the minority and marginalized community in Kirinyaga County. They lack political representation at County level. Language barrier is a major hindrance for these communities to integrate fully with the rest of county citizens.

The government should initiate appropriate remedial measures to integrate this community in the socio-economic activity of the country both at county and national level. Political parties should provide a 'political voice' to this minority and marginalized communities by nominating them to the county assembly.

MURANGA COUNTY (021)

Muranga County is located in central Kenya. It border Kirinyaga County the East; Kiambu County the South, Nyandarua County the West, and Nyeri County to the North. It had a population of 942,581 people as per the 2009 Census. Main economic activities include agriculture, manufacturing, tourism and trade.

Table 22: Communities identified as minority and marginalized in Muranga County are;

Category	Name	Location
Minority	Asians	Township
Minority & Marginalized	Kamba	Ithinga, Ngelelya, Kakuzi, Kambiti
	Swahili	Township (Muranga Mjini)

Key issues that were identified to affect the minority and marginalized groups include political under representation, high poverty levels, low access to education, insecurity (political tension) and poor infrastructure.

While there are ongoing interventions such as tarmacking of roads, bursaries to improve their education levels, and purchase of vehicles for delivery of public services, there is need for further initiatives to integrate these communities with other communities. Mechanisms to resolve political tensions, through intergovernmental relations are also imperative to protect the interests of the minorities and marginalized communities.

KIAMBU COUNTY (022)

Kiambu County is located in Central Kenya and borders Nyandarua County to the Northwest, Nakuru County to the West, Kajiado and Nairobi Counties to the South, Muranga County to the North and North East, and Machakos County to the East.

By 2009, the County had a population of 1.6 million people. Key economic activities include agriculture, manufacturing, trade and mining.

Communities identified as minority and marginalized in the County include Asians, Somalis, Maasai, Kisii, Kamba, Europeans. It is notable that no community was identified as marginalized. This implies that, from the perspectives of the respondents, although there are minority communities; they are involved in political and other socio-economic issues.

Table 23: Communities identified as minority and marginalized in Kiambu County are:

Category	Name	Location
Minority	Asians	Thika town - scattered
	Somali	Makongeni Gatuenyaga (Wendano Village)
	Maasai	Makongeni
	Kisii	Githurai
	Kamba	Munyu, Gatanga, Kilimambogo, Nguliba
	Europeans	Karabaine, Tigoni

Key issues affecting the minority communities in the county include political underrepresentation and intercommunity tensions emanating from cattle rustling. It was notable that a cattle rustling is carried out by the minority Maasai community as this is linked to cultural practices. Such practices however create tensions between the dominant communities and minority communities.

Inter-border joint barazas was identified as a key intervention for resolving the challenges. More comprehensive interventions are however required to address these issues holistically. Political parties should play consider giving ample opportunities to the minority and marginalized communities at the nomination stage.

TURKANA COUNTY (023)

Turkana County is situated in Northwestern Kenya. It borders Baringo and West Pokot Counties to the South and South West, Marsabit County to the East, and Samburu County to the South East. Main economic activities include pastoral livestock keeping, fishing, and tourism. Rich cultural background supported by tourism further supports weaving and small-scale trading activities.

Table 24: Communities identified as minority and marginalized in Turkana County are;

Category	Name	Location
Minority	Somali	Kapendo, Katilia, Lokori
	Pokot	Napeitom, Nadome, Lomelo, Kapendo, Lorengppi, Kotaruk
Minority & Marginalized	Ndorobo (Ngikeboto)	Kaptir(Lokuar), Kainuk
	El-molo	Kaloko, Namukuse
	Ngiteuso	Oripoi, Letia
	Murile	Koikor, Lokitaung, Yapakuno

Key issues affecting the minority and marginalized groups include political underrepresentation, unemployment, poor social amenities, isolation and food insecurity.

To address these issues, decentralized funds should be equitably allocated at the county level.

The county public service board should employ measures towards inclusivity of the minority and marginalized communities.

WEST POKOT COUNTY (024)

The County borders Turkana County to the North, Uganda to the West, Trans-Nzoia and Elgeyo Marakwet Counties to the South, and Baringo County to the East. Main economic activities include nomadic pastoralism, agriculture and mining.

Table 25: Communities identified as minority and marginalized in West Pokot County are;

Category	Name	Location
Minority	Turkana	Scattered in all locations
	Kisii	Mnagei, Chemwechoi, Keringat
	Luo	Mnagei, Chemwechoi, Keringat, Talan
	Somali	Kishaunet, Mnagei, Kapenguria
	Kipsigis & Nandi	Talau, Mnagei
Minority & Marginalized	Sengwer/Cherangany	Chemwechoi, Kapkoris Kaisakat, Kaibos, Talau, Lelan, Kapenguria

Key challenges affecting the minority and marginalized communities include; under representation in political circle and other decision making organs, unemployment, high illiteracy, inaccessibility to education scholarships and bursaries, land dispossession and cattle rustling. There are also challenges related to cultural practices, which includes early marriages and teen pregnancies, gender discrimination, child labour and child soldier. Evidently, culturally originating challenges are linked to non-cultural factors. For instance, it is plausible that early marriages/pregnancies and child labour leads to lower illiteracy levels and limited skills for employability. The reverse can also be true in the sense that child labour and early marriages can be as a result of poverty facing these communities due to factors beyond their control. The findings also suggest existence of minority groups and marginalization in terms gender.

Key interventions reported by the respondents to be in place include use of devolved funds for bursary support, equitable distribution of social amenities such as schools.

SAMBURU COUNTY (025)

Samburu County borders Turkana County to the West and North West, Marsabit County to the North and North East, Isiolo County to the East and South East, and Laikipia and Baringo counties to the South West. Key economic activities include nomadic pastoralism, tourism, and small-scale trading.

As of 2009, the County had a population of 223,947.

Table 26: Communities identified as minority and marginalized in Samburu County are;

Category	Name	Location
Minority	Kikuyu	Samburu central, Samburu East
	Somali	Samburu central, Samburu East, Samburu North
Minority & Marginalized	Turkana	Parkati, Kawap, Nachola, Mirti, and Baragoi North, Wamba, Waso East(East Maralal Urban, Suguta Marmar and Kisima (Central)

Key issues affecting the minority and marginalized communities include political underrepresentation, poverty, illiteracy, unemployment, lack of financial support for the elderly, poor infrastructure and few social amenities such as schools, and health facilities.

There are also culturally linked challenges such as FGM, early marriages, and child labour. As noted earlier culturally and non-culturally originating challenges are conceivably intertwined.

Key interventions suggested by the respondents include community sensitization through barazas, financial support for the elderly, and prosecution of offenders.

TRANS NZOIA COUNTY (026)

The County borders Uganda to the North West, Bungoma County to the West and South West, Elgeyo Marakwet County to the East, Uasin Gishu and Kakamega Counties to the South, and West Pokot County to the North. Main economic activities include agriculture and trading.

The county had a population of 818,757.

Table 27: Communities identified as minority and marginalized in Trans-Nzoia County are;

Category	Name	Location
Minority	Teso	Kabei, chepchoina, Endebess, Chepsiro, (Cherangany)
	Kamba and Asians	Municipality
Minority & Marginalized	Turkana	Chepsiro, Cherangany, Milimani, Suwerwa, Koibei (Cherangany), Chepchoina (Endebess), Bidii (Kiminin), Municipality (Saboti)
	Sengwer	Makutano
	Ndorobo	Kisawai, Kiboroa, Endebess, Koibei, Chepcheino
	Pokot	Kaisagat, Kwanza, Kabomboi (Kwanza), Chepchoina (Endebess)

Key issues affecting the minority and marginalized communities in the county include unemployment, high illiteracy levels, and under-representation in political decision-making. Other challenges have cultural under-pinning, including gender inequality, teenage pregnancies and school drop-outs. Drug abuse was also noted to be a challenge among the minority and marginalized groups.

Key interventions suggested by the participants include creation of employment opportunities at decision-making levels, child rescue centers and rehabilitation centers.

UASIN GISHU COUNTY (027)

Uasin Gishu County borders Bungoma County to the West, Kericho County to the South, Baringo County to the South East, Nandi County to the South West, Elgeyo Marakwet County to the East, and Trans Nzoia County to the North.

By 2009, the County had a population of 894,179. Main economic activities include agriculture, manufacturing and trade.

Table 28: Communities identified as minority and marginalized in Uasin-Gishu County are;

Category	Name	Location
Minority	Turkana	Keses, Kapsaret, Turbo, Soi, Ainabkoi, Moiben
	Borana	Pioneer
	Somali	Cheptiket, Kipkaren, Maili Nne, West Indies, Moi's Bridge
	Tugen	Scattered
	Kamba	Scattered
Minority & Marginalized	Ogiek	Lenguse, Timboroa, Olare

Main issues affecting the minority and marginalized communities include difficulties in getting national identification documents, lack of land ownership/land rights issues, unemployment and negative profiling such as perception of membership of terror groups.

Key interventions suggested include expedition of process of issuing identity documents to the minority and marginalized groups, and enhanced peace and inter-faith dialogues.

ELGEYO MARAKWET COUNTY (028)

Elgeyo Marakwet borders Uasin Gishu County to the West and South West, West Pokot County to the North, Trans Nzoia County to the North West, Baringo County to the East, South and South East.

By 2009, the County had a population of 369,998. The main economic activities include livestock subsistence farming, mining and small-scale trade.

Table 29: Communities identified as minority and marginalized in Elgeyo-Marakwet County are;

Category	Name	Location
Minority	Nandi & Kipsigis	Scattered
	Turkana	Scattered
	Kikuyu	Scattered
	Maasai	Kapkochur, Sengwer, Kondabilet, Kuserwa, Murkutwa, Keiyo
Minority & Marginalized	Cherangany/Sengwer	Cherangany, Kamoi, Kapterit, Koisungu, Chebororwa, Kondabilet, Kaptiony, sengwer, Rogor, Kapterit, Kamoi, Embotut, Kapcherop
	Ogiek/Ndorobo	Kuserwa – Koisungur, Kabiemit, Tumeyo, Soy, Kokwao, Kapchemutwa Sengwer, Kuserwa, Kamoi, Kapterit, Kipteber, Lelan, Kondabilet, Cheborowa, cherangany

Main issues affecting the minority and marginalized groups include unemployment, high illiteracy levels, settlement in drought and conflict prone areas, and lack of adequate social amenities such as schools. There are also cultural related issues such as prevalence of FGM, early marriages, hunter and gatherer life-style, and child labour.

Key interventions include roll-out of public education and engagement, establishment of a rescue centre, law enforcement and equitable allocation of devolved funds.

NANDI COUNTY (029)

The County borders Baringo County to the East, Uasin Gishu County to the North, Kisumu County to the South, Kericho County to the South East, Vihiga and Kakamega counties to the West. By 2009, the county had a population of 752,965. The main economic activities include agriculture and airy farming, and sports athletics.

Table 30: Communities identified as minority and marginalized in Nandi County are;

Category	Name	Location
Marginalized	Luo	Cheparus
Minority	Luhya	Cheptulu
Minority and Marginalized	Ogiek	Tinderet, Chemamul, Kipyaoor, Setek, Ngatipkong, Koilot (Keben),Kapchorua(Kelbui) Erengonik
	Terik	Kapsengere,Kapkere,Kapkores

Main issues reported to affect the minority and marginalised include underrepresentation in political and public service positions, high poverty levels, early marriages, malnourishment, illiteracy, lack of housing, discrimination based on cultural practices, poor infrastructure, lack of access to adequate information, and inaccessibility to social amenities such as schools.

Suggested interventions include civic education, use of devolved funds for equitable development of infrastructure and social amenities, resettlement, law enforcement.

BARINGO COUNTY (030)

The County is bordered by Laikipia County to the East, Nakuru County to the South, Samburu and Turkana counties to the North, and West Pokot, Uasin Gishu, Nandi, Kericho and Elgeyo Marakwet counties to the West. The County had a population of 555,561 as per the 2009 population census. The main economic activities in the county include nomadic pastoralism, bee keeping, mixed farming and sand harvesting.

Table 31: Communities identified as minority and marginalized in Baringo County are;

Category	Name	Location
Minority	Kikuyu	Maji Mazuri, Tumboa, Ravine
	Somali	Lembus Mogotio
Minority & Marginalized	Endorois	Olkokwe, Koibos Soi, Koibos, Kaprosgei, Sinende, Kabuswo, Kamar, Loboi, Kapkuikin, Sandai, Chebinyiny, Mochongoi, Kimoisiot, Bekebon, Arabal
	Turkana	Lembus Mogotio(Mogotio), Kabeto
	Nubians	Ravine, Kabarnet, Mosop, Marigat, Lembus
	Pokot	Amaya,Churo, Kachilitwa, Kaptuya, Tangulbei, Orus, Makutano, Korossi, Komolion, Loruk East, Loyamorok, Paka, Kositei, Chemolingot, Silale, Naudo, Kibkwo, Kapau, Akoret, Ngoron, Lokis,Koloa, Lowait, Barpelu, Chepkarerat, Kipnai, Tirioko
	Ilchamus	Ngambo, Kiserian, Eldume, Salabani, Makutani, Rugus, EIngurua
	Ogiek	Lembus Mosop, Maji Mazuri, Esagieti, Sabatia, Timboroa.

The main issues identified to affect the minority and marginalised groups include illiteracy, poverty, political underrepresentation, unemployment, poor infrastructure and social amenities, insecurity owing to cattle rustling and lack of property ownership due to factors such as lack of title deeds. There are also challenges of FGM, early marriages and teen pregnancies, gender bias against women, and drug abuse.

Suggested interventions include public sensitization on undesirable cultural practices such as FGM, and use of devolved funds equitably in development of infrastructure and social amenities. Increase of resources to education, Improvement of security, offer affirmative action in employment.

LAIKIPIA COUNTY (031)

The county is bordered by Meru and Nyeri Counties to the South, Nyandarua County to the South West, Baringo County to the West, Samburu County to the North, and Isiolo County to the North East. The county had a population of 399,227 as per the 2009 population census. The main economic activities include agriculture, livestock farming and sand harvesting.

Table 32: Communities identified as minority and marginalized in Laikipia County are;

Category	Name	Location
Minority and Marginalized	Yiaku	Mokogondo,Sieku
	Laikipia Maasai	Mokogondo, Sieku, ilngweesi, Ilpolel, Orbosoit, Ildigiri, Makurian, Mumonyoot, Oloibosoit, Ilmotiok
	Pokot	Lonyiek, Olmorán, Kirima
	Turkana	Sosian, Lonyiek, Olmorán, Sipiti, Rumuruti,Thome, Mutara
	Samburu	Rumuruti,Thome, Sosian, Olmorán, Lonyiek
	Borana	Rumuruti,Mutara, Sosian, Olmorán, Lonyiek
	Nandi	Lorian, Salama, Melwa, Ngarwa, Mwenje
	Endrois	Rumuruti

Main issues affecting the minority and marginalized communities in the county include poor infrastructure and lack of access to social amenities, insecurity emanating from conflicts between farmers and pastoral communities, drought prevalence in the areas they settle, unemployment, and political underrepresentation, and review of leases of land for European owners.

Key interventions suggested include equitable development of infrastructure and social amenities, and further decentralization of offices to facilitate proximate access to public services. The government should support the revival of Yiaku language which has been eroded due to assimilation as well as consider their right to live in Mukogondo forest. The Kenya National Bureau of statistics to consider issuing the Yiaku community with a demographic identity during the upcoming national census to enable their recognition.

NAKURU COUNTY (032)

The County borders Nyandarua County to the East, Baringo County to the North, Kericho and Bomet Counties to the West, Kajiado County to the South, Narok County to the South West, and Laikipia County to the North East. By 2009, the county had a population of 1.6 million as per the 2009 population census. The main economic activities include agriculture, dairy farming, ecotourism and trading.

Table 33: Communities identified as minority and marginalized in Nakuru County are;

Category	Name	Location
Minority	Samburu	Oljorai
	Somali	Municipality, Oljorai
	Ilchamus	Oljorai, Kampi ya moto, Rongai
	Asians and Kambas	Municipality
	Teso and Pokot	Oljorai
Minority and Marginalized	Ogiek	Sururu, Endoinet, Tinet, Kiptororo, Nesuit, Marishoni, Oljorai, Eburu
	Maasai	Oljorai, Eburu, Mai Mahiu
	Nubians	Mogotio Township, Municipality
	Turkana	Molo Township, Kambi Ya Moto, Oljorai
	Endrois	Rongai, Waseges, Koisamu

Main issues affecting the minority and marginalized groups in the county relate to poverty, unemployment, and political underrepresentation, lack of land ownership and displacements, and cultural assimilation.

Key interventions suggested include public sensitization on relevant legislations and rights of minorities and marginalized communities, enhanced nominations and employment, enhanced legislative support and affirmative action in ECOSOC rights.

NAROK COUNTY (033)

The County borders Kajiado County to the East, Migori County to the West, Nakuru County to the North, and Kisii, Nyamira and Bomet counties to the North West. By 2009, the County had a population of 850,920. The main economic activities include nomadic pastoralism, tourism and commercial agriculture.

Table 34: Communities identified as minority and marginalized in Narok County are;

Category	Name	Location
Minority	Somali	Olulunga,Naikara,Narosura,Mulot,Narok Town
	Kenyan Indian	Narok Town
Minority and Marginalized	Endorois	Merero,Olmekenyu,Oloshapani,Enkaruni
	Ogiek	Nkareta,Enosubukia

Unemployment, political underrepresentation, ethnic tensions during elections, and cultural extinction are the key issues affecting minority and marginalized communities in the county. In addition, there are concerns on landlessness due to displacements, high rates of unemployment and inaccessibility to water.

Creation of more employment opportunities was suggested as an intervention for overcoming some of the challenges.

KAJIADO COUNTY (034)

The County borders Tanzania to the South, Narok County to the West, Kiambu, Nakuru and Nairobi counties to the North, Makueni, Machakos, and Taita-Taveta counties to the East. By 2009, the county had a population of 687,312. The main economic activities in the county include nomadic pastoralism, tourism, livestock trading and sand harvesting.

Table 35: Communities identified as minority and marginalized in Kajiado County are;

Category	Name	Location
Minority	Somali	Scattered all over the sub counties
Marginalized	Maasai	Scattered across all locations

Political underrepresentation, illiteracy, unemployment, poor infrastructure and social amenities, and undesirable cultural practices are the key issues affecting the minority and marginalised groups.

Key interventions suggested include community sensitization on undesirable cultural practices, and creation of more employment opportunities by the county government.

KERICHO COUNTY (035)

The County borders Bomet County to the South, Nakuru County to the East and South East, Kisumu County to the West and North West, Nyamira and Homa Bay counties to the South West, Nandi County to the North, Baringo and Uasin Gishu Counties to the North East. The county had a population of 758,339 as per the 2009 population census. The main economic activities include agriculture, dairy farming, fish farming and trading.

Table 36: Communities identified as minority and marginalized in Kericho County are;

Category	Name	Location
Minority	Luo	Kisiara, Kipkelion East, Kipkelion West, Sigowet
	Kikuyu	Kiriara, cheborgei, Kipkelion East, Kipkelion west, Sigowet
	Kisii	Litein, Kipkelion East, Kipkelion west, Sigowet
	Somali, Indians & Luhya	Litein, Kericho Town
Minority and Marginalized	Nubians	Kericho Mjini, Kambi ya Somali
	Ogiek	Londiani

Lack of land ownership documents, unemployment, and discrimination in issues of identification documents are the main issues affecting the minority and marginalized communities such as the Nubians and Somalis.

BOMET COUNTY (036)

The county borders Narok County to the South, South West and South East, Kericho County to the North and North East, and Nyamira County to the North West. The county had a population of 585,072 as per the 2009 population census. The main economic activities include agriculture and livestock farming.

Table 37: Communities identified as minority and marginalized in Bomet County are;

Category	Name	Location
Minority	Luhya & Luo	Kitala
Minority and Marginalized	Ogiek	Kitala, Embomos, Kivimose, Chebugen, Bosto and Siomo

The Luhya and Luo communities live in isolation such as tea plantations, whilst the Ogiek live in pasture lands, thus, they have minimal interactions with the dominant communities.

KAKAMEGA COUNTY (037)

The county borders Bungoma County to the North, Vihiga County to the South, Siaya County to the South West, Busia County to the West, Trans Nzoia County to the North East, Uasin Gishu and Nandi counties to the East. The county had a population of about 1.7 million as per the 2009 population census. The main economic activities include agriculture and trading.

Table 38: Communities identified as minority and marginalized in Kakamega County are;

Category	Name	Location
Minority	Nubians	Nabongo
	Luo	Shianda, Kisa West, Matungu, Lunganyiro, Shieywe
	Teso	Namamali
	Kisii & Somali	Shieywe

Main challenges affecting the minority communities especially Nubians, Somali and Tesos include political underrepresentation, cumbersome processes in getting identification documents, poverty, and low literacy levels.

VIHIGA COUNTY (038)

The county borders Nandi County to the East, Kisumu County to the South, Siaya County to the West and Kakamega County to the North. The County had a population of 554,622 as per the 2009 population census. The main economic activities of the county include agriculture.

Table 39: Communities identified as minority and marginalized in Vihiga County are;

Category	Name	Location
Minority	Luo	South Maragoli, Tambua, Maseno, Emuhaya, Ekwanda
Minority and Marginalized	Terik	Jepkoyai, Tambua, Banja

Political underrepresentation was identified as a key issue affecting the Terik minority and marginalized community.

BUNGOMA COUNTY (039)

The county borders Uganda to the West, Trans Nzoia to the North, Uasin Gishu County to the East and South East, Kakamega County to the South and Busia County to the South West. By 2009, the county had a population of about 1.4 million. The main economic activities include agriculture, manufacturing and trade.

Table 40: Communities identified as minority and marginalized in Bungoma County are;

Category	Name	Location
Minority	Teso	Mianga, Kiamiti ward
	Sabaot	Lwandanyi, Mt. Elgon
	Batura	Khasako
	Bungomek	East Bukusu, Bukembe, Bungoma Town, Malakisi, kapchai, Bungoma West
	Somali	Bungoma Township, Musikoma, Webuye Town
Minority & Marginalized	Ogiek	Kopsiro, Chepyuk, Chepkitale

The issues affecting the minority and marginalized communities in this county include lack of representation during resource allocation. As a result they face challenges in benefiting from decentralized funds and inequitable distribution of social amenities, and access to services such as cumbersome processes in getting national identification documents.

Enhanced equitable resource allocation such as bursaries, was suggested as a key intervention.

BUSIA COUNTY (040)

The county borders Uganda to the West, Bungoma County to the North and North East, Kakamega County to the East, Siaya County to the South and South East and Lake Victoria to the South West. The county had a population of 743,946 as per the 2009 census. The main economic activities in the county include agriculture and trade.

Table 41: Communities identified as minority and marginalized in the Busia County are;

Category	Name	Location
Minority and Marginalized	Abakhenye	Nanguba, Bwiri, Bukhakhala, Bunyala West, Bunyala South, Bukhakhala, Bumala
	Sabaot	Kakapel, Abaloi, Angurai, Katakwa, Changara, Kochodia, Kolanya
	Maasai	Kaliwa, Kwangamorakad Etewai
	Somali	Akadetewai, Township, Angocoi
	Arabs	Township, Nangoma

The key issues affecting the minority and marginalized communities include lack of political representation, inaccessibility to employment for the Maasai, Sabaot and Abakhenye and profiling and association with terror groups for the Somalis and Arab minority.

Key interventions suggested include community sensitization with regards to harmonious coexistence and giving leadership opportunities based on individual capability as opposed to ethnic profiling, formation of inter-faith committees, and strengthening of nyumba kumi initiatives.

SIAYA COUNTY (041)

The county borders Lake Victoria to the South, Kakamega County to the North, Vihiga and Kisumu counties to the East, Busia County to the West and North West. By 2009, the county had a population of 842,304. The main economic activities include fishing, subsistence agriculture, and livestock keeping.

Table 42: Communities identified as minority and marginalized in the Siaya County are as listed below.

Category	Name	Location
Minority and Marginalized	Luhya	North Uholo, South Ugenya, Usonga, North Gem, Township, East Gem, West Ugenya, East Ugenya, Central Sakwa, South West Sakwa, Mageta Island
	Basuba	Central Sakwa, Ndeda and Oyamo Islands, South Uyoma, East Uyoma

Illiteracy, political underrepresentation, poor sanitation and infrastructure, inaccessibility to employment opportunities, and inadequate staffing of social amenities are the key issues affecting the minority and the marginalized communities in Siaya County.

Key interventions suggested include expedition of introduction of the ferry services, improved sanitation through public toilets in the islands, and improved health facilities and staffing.

KISUMU COUNTY (042)

The county borders Vihiga and Nandi counties to the North, Siaya County to the North West, Kericho County to the East, and Homa Bay County to the South. The County had a population of 968,909 people as per the 2009 census.

The main economic activities in the county include fishing, trade, agriculture, trade and livestock keeping.

Table 43: Table : Communities identified as minority and marginalized in the Kisumu County are;

Category	Name	Location
Minority	Nubians	Chemilil, North East Kano, Miwani, Kisumu Town, Kaloleni Area, Kakola, South East Nyakach
	Luhya	West Kisumu, North West Kisumu
	Kisii	Central Kolwa, South East Nyakach, Kakola Location
	Asians	Kisumu Town Location, Miwani , Chemelil
	Somali	Kisumu Town Location, Miwani Location, Kakola Location
Minority and Marginalized	Nandi & Terik	Chemelil, Awasi, Kiboswa
	Mkendwa	East Kisumu Location

The main issues affecting the minority and marginalized groups include political underrepresentation, inaccessibility to employment opportunities especially to the Terik and Mkendwa, and lack of land ownership.

Key interventions suggested include expedited land demarcation and resettlement of the landless communities, and enhanced political nominations.

HOMA BAY COUNTY (043)

The county borders Lake Victoria to the West and North West, Migori County to the South and South East, Kisii and Nyamira counties to the East, and Kisumu County to the North. By 2009, the county had a population of 958,791 people as per the 2009 census. The main economic activities in the county include fishing, agriculture, fish trade and processing.

Table 44: Communities identified as minority and marginalized in the Homa Bay County are;

Category	Name	Location
Minority	Somali	Arujo, Homabay Town, Lower Koyambo
	Asians	North East, North Karachuonyo, Homabay Town, Oyugis Town
	Nubians	North Karachuonyo, North East Karachuonyo
	Luhya	Gwasi East, Gwasi Central, Gwasi South
Minority and Marginalized	Kisii	Gwasi South, Gwasi East, Gwasi Central, Gwasi North

The main challenges faced include Kisii people political underrepresentation, poor infrastructure and sanitation, and inadequate staffing of social amenities.

To address infrastructure challenges, ferry services have been put in place to connect the islands. Adequate staffing of existing social amenities, improved sanitation through improved waste disposal, and provision of adequate clean water should also be considered through enhanced budgetary allocation by the county government.

MIGORI COUNTY (044)

The county borders Tanzania to the South, Lake Victoria to the West, Homa Bay County to the North, Narok County to the East, and Kisii County to the North East. By 2009, the county had a population of 917,170 people. The main economic activities in the county include fishing, agriculture, manufacturing and mining.

Table 45: Communities identified as minority and marginalized in Migori County are;

Category	Name	Location
Minority	Luhya	South Kanyamkago, East Kanyamkago, Central Kanyamkago, West Kanyamkago, South East Kanyamkago, Scattered all over Suna East, Scattered all over Suna West
	Kikuyu	Suna North, Suna Central, Upper Suna, Isebania Town, Kehancha Town
	Kisii	Suna Otacho, Suna North, Suna Central, Suna East, Suna Ragana, Suna South, Central Kanyamkago, West Kanyamkago, South Kanyamkago, South East Kanyamkago
	Somali	Suna Ragana, Suna Central, Muhuru Central, sori
	Nubians	Suna Ragana, Suna Lower, Suna Central
	Arabs	
	Indians	Suna Ragana, Suna Central, Central Sakwa, Sori
Minority and Marginalized	Basuba	Suna Ragana, Suna South, Suna West, Suna Wasimbete, Suna Raha, Suna Central, Suna Rabuor, Onguo, Suna Ngege, Suna East, Suna North, Upper Suna, Muhuru Division, South East Muhuru, East Muhuru, Central Muhuru, West Muhuru, Central Kamagambo

The main issues affecting the minority and the marginalized communities include unemployment, illiteracy, political underrepresentation, early marriages and FGM, child labour, food insecurity and poor infrastructure.

Some of the ongoing interventions include employment opportunities by the county government, devolved funds, and infrastructure development by the national and county governments.

KISII COUNTY (045)

The county borders Narok County to the South, Migori County to the West, Nyamira County to the East, and Homa Bay County to North West. The county had a population of about 1.2 million people as per the 2009 census. The main economic activities in the county include agriculture, dairy farming, and trade.

Table 46: Communities identified as minority and marginalized in Kisii County are;

Category	Name	Location
Minority	Luo	Township Location, Daraja Mbili Area and Bogusero North Location
	Indians	Township Location, Bosongo Location
	Somali	Township Location.
	Kikuyu	Bosongo Location and Nyaura Location, Township Location
	Baganda	Masongo Location
Minority and Marginalized	Nubians	Township Location – Getembe
	Luhya	Bosongo Location, Daracha Location, Keumbu Location, Birongo Location and Ibeno Location

The main issues affecting the minority and the marginalized communities relate to political underrepresentation and lack of security of land tenure.

NYAMIRA COUNTY (046)

The county borders Kisii County to the South and West, Homa Bay County to the North, Bomet County to the East and Kericho County to the North East. By 2009, the county had a population of 598,252 people. The main economic activities in the county include agriculture and dairy farming.

Table 47: Communities identified as minority and marginalized in Nyamira County are;

Category	Name	Location
Minority	Kikuyu	Nyamira Township
	Baganda	Borangi, Bonyamatuta Chache
Minority and Marginalized	Luo	West Mugirango, Borangi Kisii/Luo boundary

The main issues affecting the minority and marginalized communities in the county include unemployment and political underrepresentation.

To address these challenges, measures should be employed both through political nominations, as well as employment that reflects ethnic diversity. For long-term interventions skills development should be promoted through bursaries and scholarships to ensure skills match with the job requirements.

NAIROBI CITY COUNTY (047)

The county borders Kiambu County to the North, North West and North East; Kajiado County to the West, South West, and the South; and Machakos County to the East and South East.

By 2009, the county had a population of about 3.1 million people. The main economic activities in the county include industrial production, trade, and tourism.

Table 48: Communities identified as minority and marginalized in the Nairobi City County are;

Category	Name	Location
Minority	Kuria	Mwiki, Laini Saba
Minority and Marginalized	Samburu	Kirigu
	Maasai	Mwiki, Nairobi West, Pumwani, Eastleigh South, Shauri Moyo, Kangemi, Embakasi, Sarangombe
	Taita	Muthangari, Kangemi
	Nubian	Kibra

The key issues affecting the minority and marginalized communities in the county include discrimination in issuance of identification documents, lack of formal employment, high illiteracy level, high poverty levels, retrogressive cultural practices and early marriages, poor housing and sanitation and child labour.

Key interventions include community sensitization, initiatives to streamline access to identification documents, anti FGM campaigns and follow-ups with school head teachers.

Summary of Findings

The results show that communities that are minority and marginalized vary from county to county. Some ethnic communities that are dominant at the national level are reported to be minority, and even marginalized in some instances. There is however consistency with regards to some ethnic communities, notably the Nubians and the Ogiek. The nature of the challenges faced by the minority and the marginalized communities also seem to be common across counties. These challenges oscillate on:-

- Political under representation
- Limited access to employment opportunities
- Ethnic profiling and discrimination in issuance of identification documents
- Isolated settlements/excluded settlements
- High illiteracy levels
- High poverty
- Poor infrastructure, poor sanitation and understaffing of social amenities
- Harmful Cultural practices - early marriages, gender bias in economic empowerment

It should be noted that cultural practices create another dimension of minority and marginalized groups on the basis of gender and age.

Figures 1-3: Ethnic Communities' Frequencies Reported as Minority and/or Marginalized Across Counties

Figures (2)-(4) show frequencies of different ethnic communities reported as minority, marginalized, or both minority and marginalized across the counties. In terms of minority communities, Somali, Asians, Kikuyu, Indians, Kisii, Luo, Luhya and Nubians show, in descending order, common ethnic communities reported as minorities.

The results in Figure (2) should however be interpreted with caution, since main economic activities an ethnic community engages in determines its distribution across the counties. The results should also be interpreted relative to the overall population of the communities at the national level.

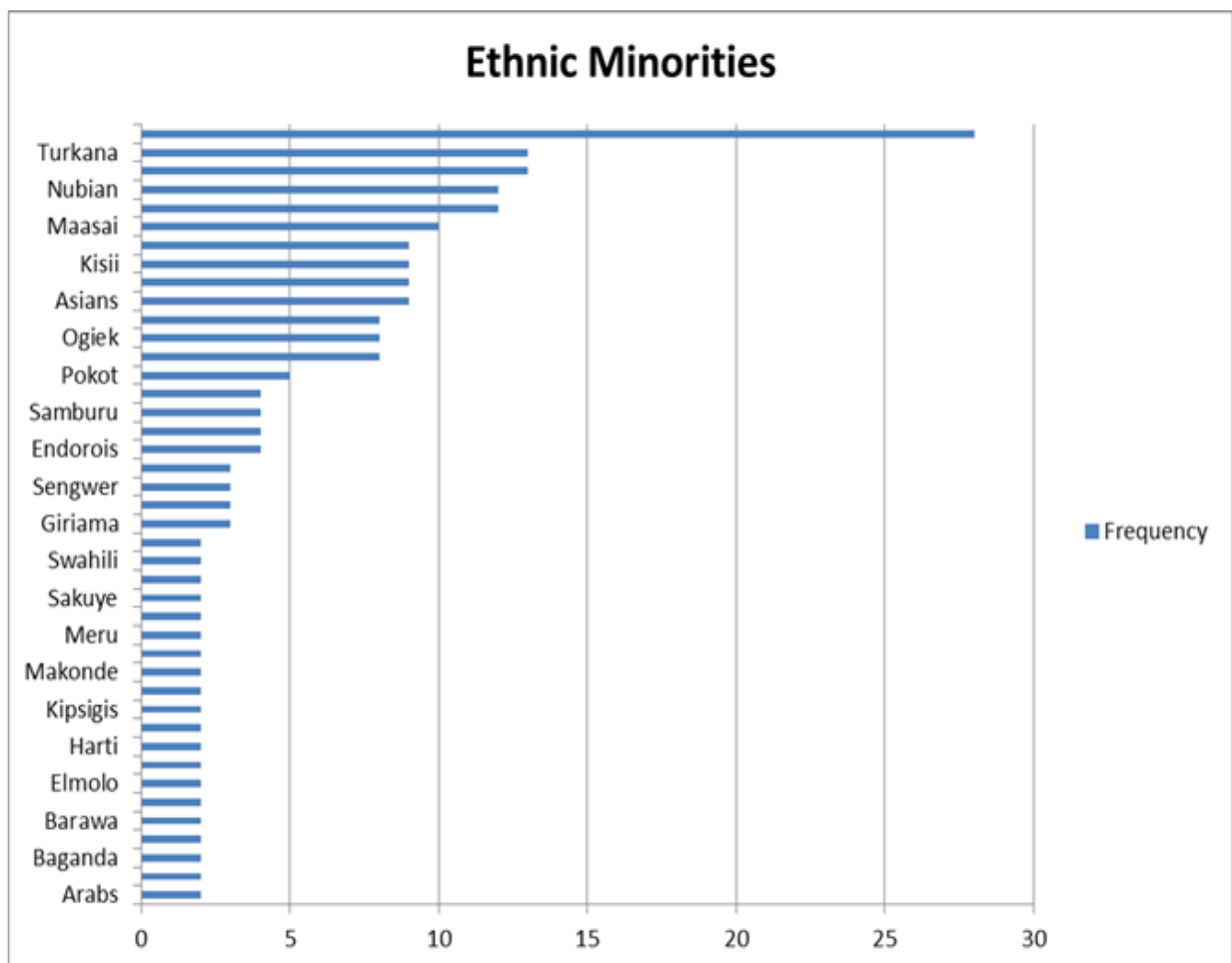
A fundamental policy issue is a combination of an ethnic community being both minority and marginalized. Figure (3) shows relatively fewer communities are reported as marginalized only, compared to those reported as minority only.

Only nine communities (Figure (3) were reported as 'marginalized only', compared to 46 communities reported as minority only (Figure (2).

In terms of being both minority and marginalized, 48 communities were reported (Figure (3).

The communities with the highest frequency in terms of being both minority and marginalised are, in descending order are: Turkana, Watta, Maasai, Borana, Ogiek, Somali, Nubians, Abasuba, Luhya, Ndorobo, Sabaot, and Sengwer. It should be noted that there could be instances where a community inhabit only one county, thus getting an overall frequency of one, but remain minority and face severe marginalization. Obtaining these insights require additional data such as the extent to which each of these communities are considered either minority or marginalised, or both.

Figure 2: Ethnic Communities narrated as ‘Minorities Only’



The below are also included as Ethnic Communities considered as Ethnic Minorities across the counties;

- Abakhenye, Badala ,Basuba, Batura, Bungomek, Burji,
- Dasanch,Gabaweih, Gabra, Garre,
- Hawadhi, Isaak, ,Kifundi, Konso, Kuria,
- Leisah, Lesan,
- Malakote, Marehan, Mkendwa, Munyoyaya, Murule,
- Ngiteuso, Orma, Pare, Pokomo,
- Sanye, Shabelle, Sharmuye, Sidam,
- Taita, Tugen, Twaskans,
- Wanjomvu, Wapemba, Warabey, Wavumba, Yiaku

Figure 2:Ethnic Communities narrated as ‘Minorities Only’

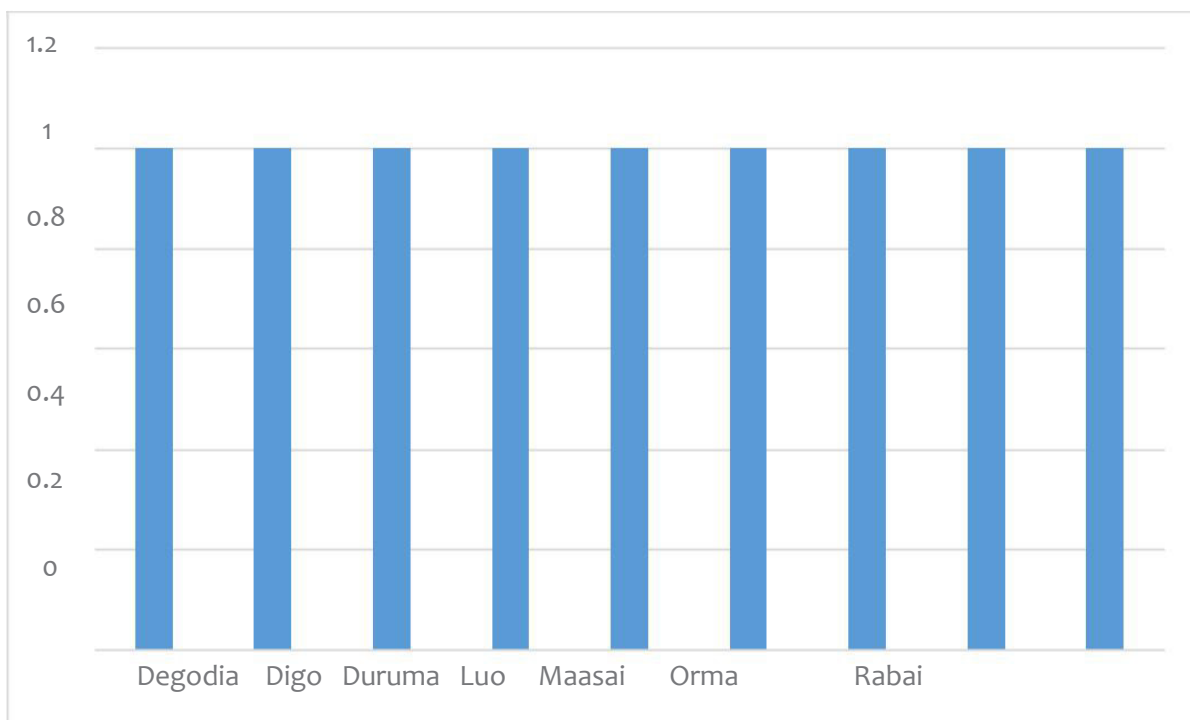
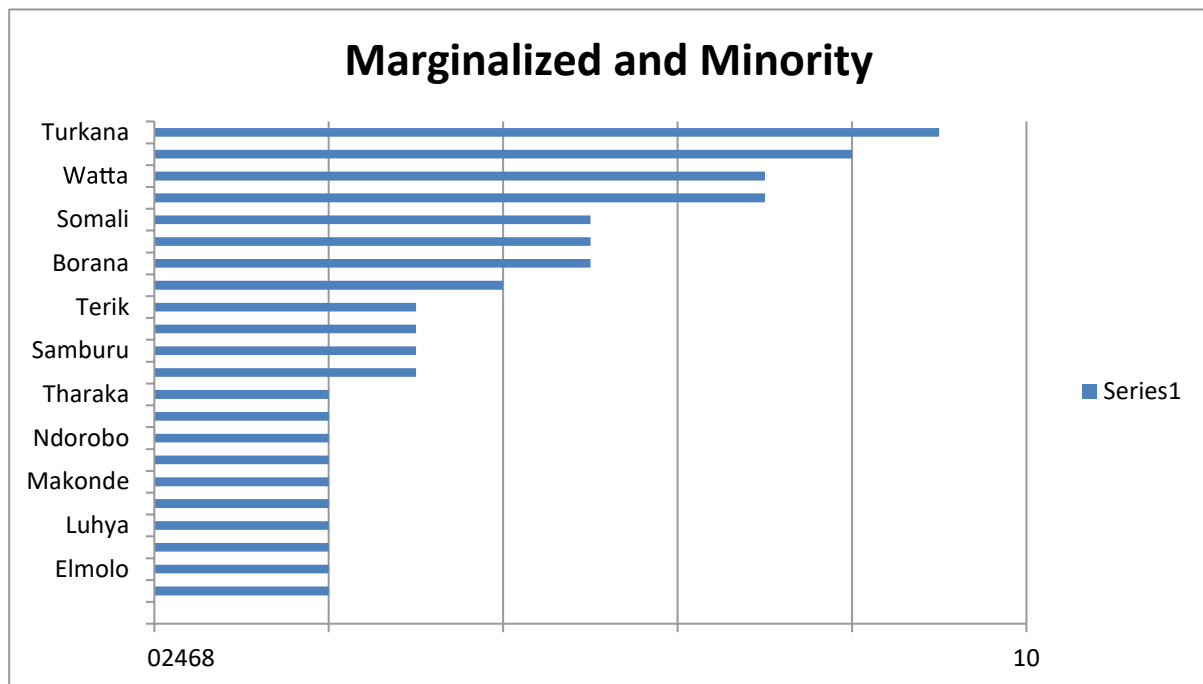


Figure 2: Ethnic Communities narrated as 'Minorities Only'



Marginalized and Minority in only one County

The below are included in ethnic communities considered as Minority and Marginalized

- Abakhenye, Ashraaf
- Basuba
- Dasanch
- Gabaweih, Giriama
- Hawadhi, Ilchamus
- Kamba, Kifundi, Konso, Laikipia Maasai, Leisah,
- Marehan, Mbeere, Murile, Murule, Ngiteuso
- Orma, Pokomo, Sabaot, Sanye, Shabelle, Sharmuye, Shegal, Taita, Twaskans, Wapemba, Warabey, Wavumba, Yiaku

Figure 5: Map showing concentration of Ethnic Minority in 47 Counties

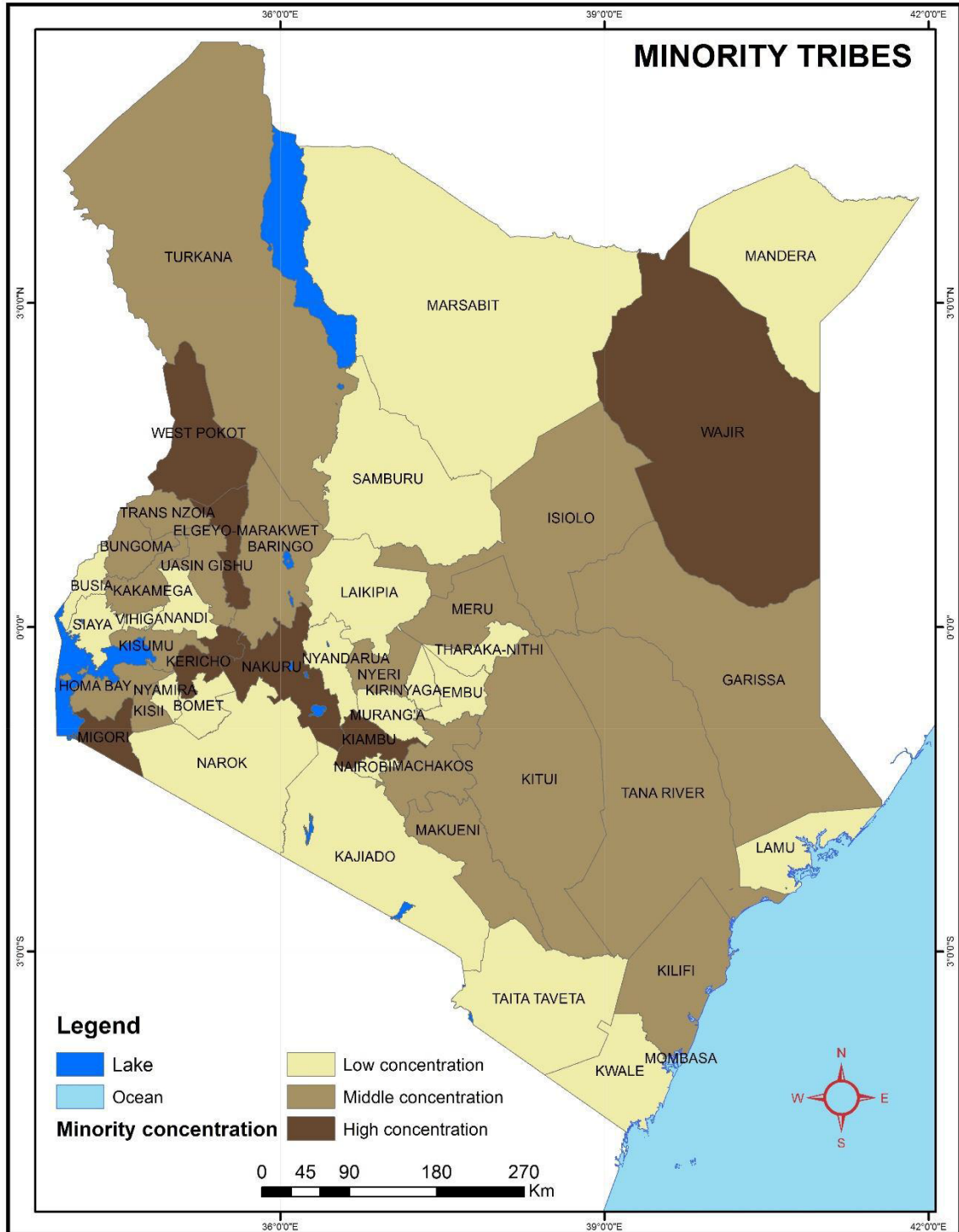


Figure 6: Map showing concentration of Marginalised communities in 47 Counties

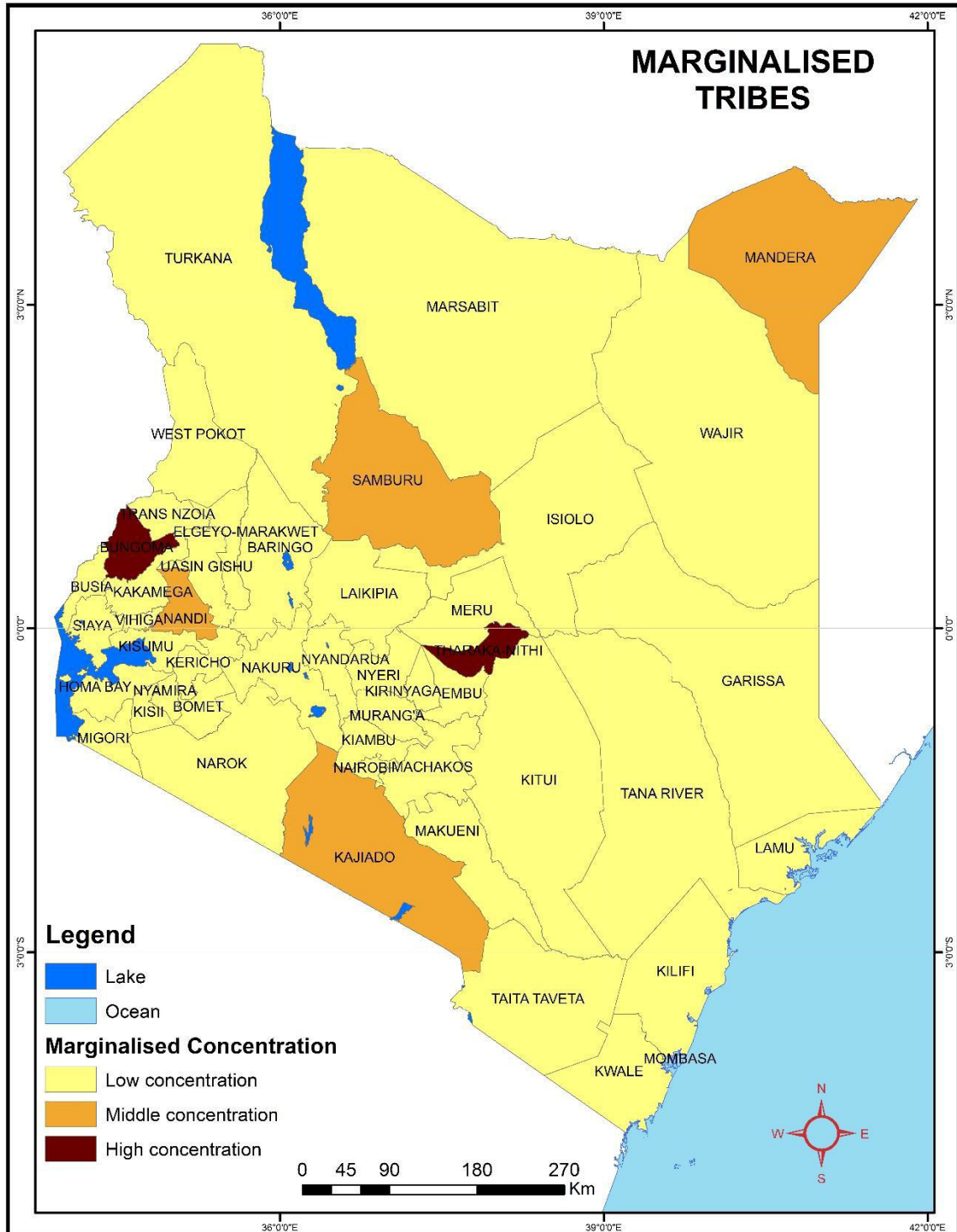
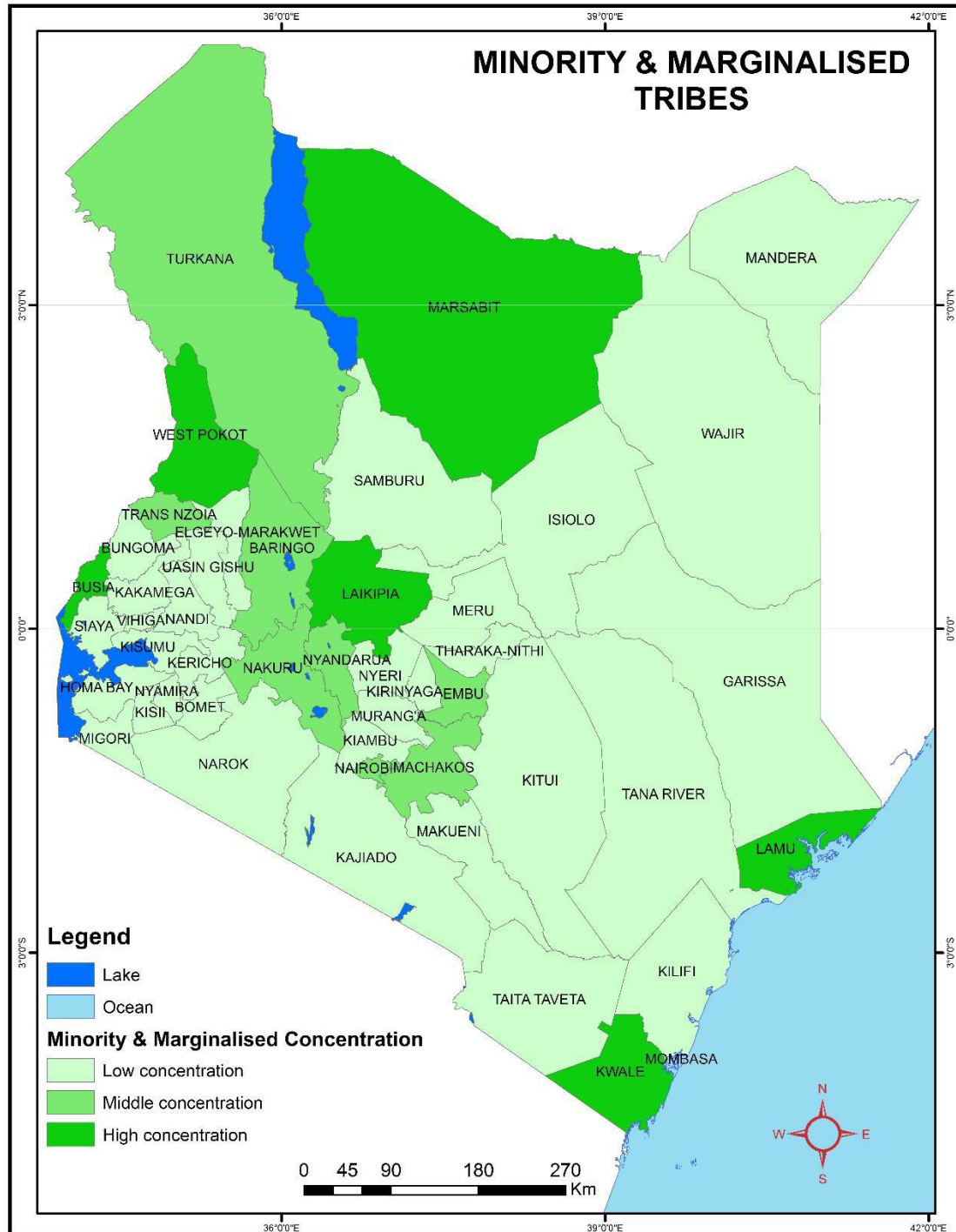


Figure 7; Map showing concentration of Minority and Marginalised communities in 47 Counties



CONCLUSION AND RECOMMENDATIONS

The primary objective of this study is identify minorities and marginalised communities in Kenya as located in each of the 47 counties. Article 56 of the Constitution requires state to put in place affirmative action programmes designed to ensure that these communities:

- a. Participate and are represented in governance and other spheres of life
- b. Are provided special opportunities in education and economic fields
- c. Are provided special opportunities for access to employment
- d. Develop their cultural values, languages and practices
- e. Have reasonable access to water, health services and infrastructure.

Political participation and socioeconomic inclusion of minority and marginalized communities is a one important component of sustainable nation building. Besides stabilizing the Kenyan state through social cohesion, achieving inclusion would tackle inequality, promote human rights and realize a fairer society.

The study findings show that minority and marginalized groups are more likely to have low literacy rates; higher unemployment rates; limited or no access to transport and communication infrastructure; limited or no access to social amenities; experience water scarcity and food insecurity; have high poverty levels and are insecure.

The policy implications are therefore clear. The branches of national and county governments, constitutional commissions, civil society actors as well as the private sector and development partners can take intentional actions aimed at redressing marginalization. It is definite where marginalization abounds, the most affected groups are minorities given their lack of political voice.

Policy making, implementation and oversight bodies have a central role to play in addressing minority and marginalized groups' issues. They should monitor the implementation of cohesion and minority rights laws and policies. Even policies on public participation in national and county levels need special requirements for minority and marginalised groups' involvement.

Constitutional commissions and civil society actors on their part are central in raising public awareness on minorities and the marginalized. For the most part, political participation and representation of minority and marginalized groups requires compromises among relevant stakeholders. One key stakeholder is dominant communities – they need to cede their expectations about political control and dominance.

Effective engagement of the community at large makes it imperative to engage political parties as potential champions of social, political, and economic inclusion of minority and marginalised groups.

Based on the findings of this study, the following recommendations are made:

- a. The NGEAC recommends that all communities in Kenya with population below 0.5% of the national population be classified as a minority. The Independent Electoral and Boundaries Commission should apply this list of minorities and marginalised communities to guide political parties list for nominations. The Commission should facilitate and enforce representation of these communities in the political sphere of our country through amendment to the existing regulation.
- b. The National governments to initiate programmes and project targeting these communities, especially schools and health facilities. Equalization fund as defined in Article 204 of the Constitution provides the national government with relevant and adequate instrument to address the plight of these communities in consultation with the County governments.
- c. The Government and other employment entities including private sector should uphold the principle of affirmative action by taking deliberate measures to appoint persons from minorities and marginalized communities to public offices. Public appointments should ensure fair representation at both levels of government.
- d. The County government, just like National government should take measures to address plight of these people especially in access to health facilities.
- e. All Development Funds to target minority and marginalized communities to reduce socio-economic inequalities. Development Partners and Non-State Actors to channel development resources to these minorities and marginalized communities to alleviate their low socio-economic development. It is indeed possible to run development programs concurrently in all the 47 counties targeting these communities.

- f. There is need to enact legislation to operationalize article 100 of the Constitution. The political parties consider nominating these minorities and marginalized communities to the county assembly, and parliament. This will enable these communities to have ‘representation voice’ in the political assemblies. It also enables Kenya to build an integrated and just society as basis of our national development and cohesion.
- g. The Registrar of Political Parties should apply all constitutional powers to promote representation of these communities in the political spheres by ensuring that political parties nominate these communities to the various assemblies.
- h. All Commissions established under Article 59 should look into the rights of these communities and create awareness at both levels of governments. The Commissions should take all steps necessary to ensure the rights of these minorities and marginalized communities are promoted and protected.
- i. The National Cohesion and Integration Commission to facilitate integration of these minorities and marginalised communities into the socio-economic development of Kenya by developing programs that promotes peace and cohesion. This will set firm foundation for an inclusive, stable and peaceful society.
- j. Land remains major socio-economic development inhibitor among these communities due to lack of ownership documents. National Land Commission should design programs that specifically look into land rights with a view to providing marginalized communities with title deeds.
- k. The academic community and research institutions could scale up research activities in the field of minority and marginalization to inform policy discourses in our country.
- l. Most of these communities are highly vulnerable to the vagaries of climate change. The Climate Change Council should incorporate in its strategic initiatives; adaptation programs to mitigate adverse effects of climate change affecting marginalized communities in effort to sustaining livelihoods.
- m. In this study, some communities that are not coded in the national census came up as distinct ethnic communities. The Commission recommends Kenya National Bureau of Statistics (KNBS) to determine admissibility of these communities as a distinct ethnic group and be classified as such.



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