HUMAN DEVELOPMENT AS A PATHWAY TO TRANSFORMED AND PEACEFUL SOCIETIES

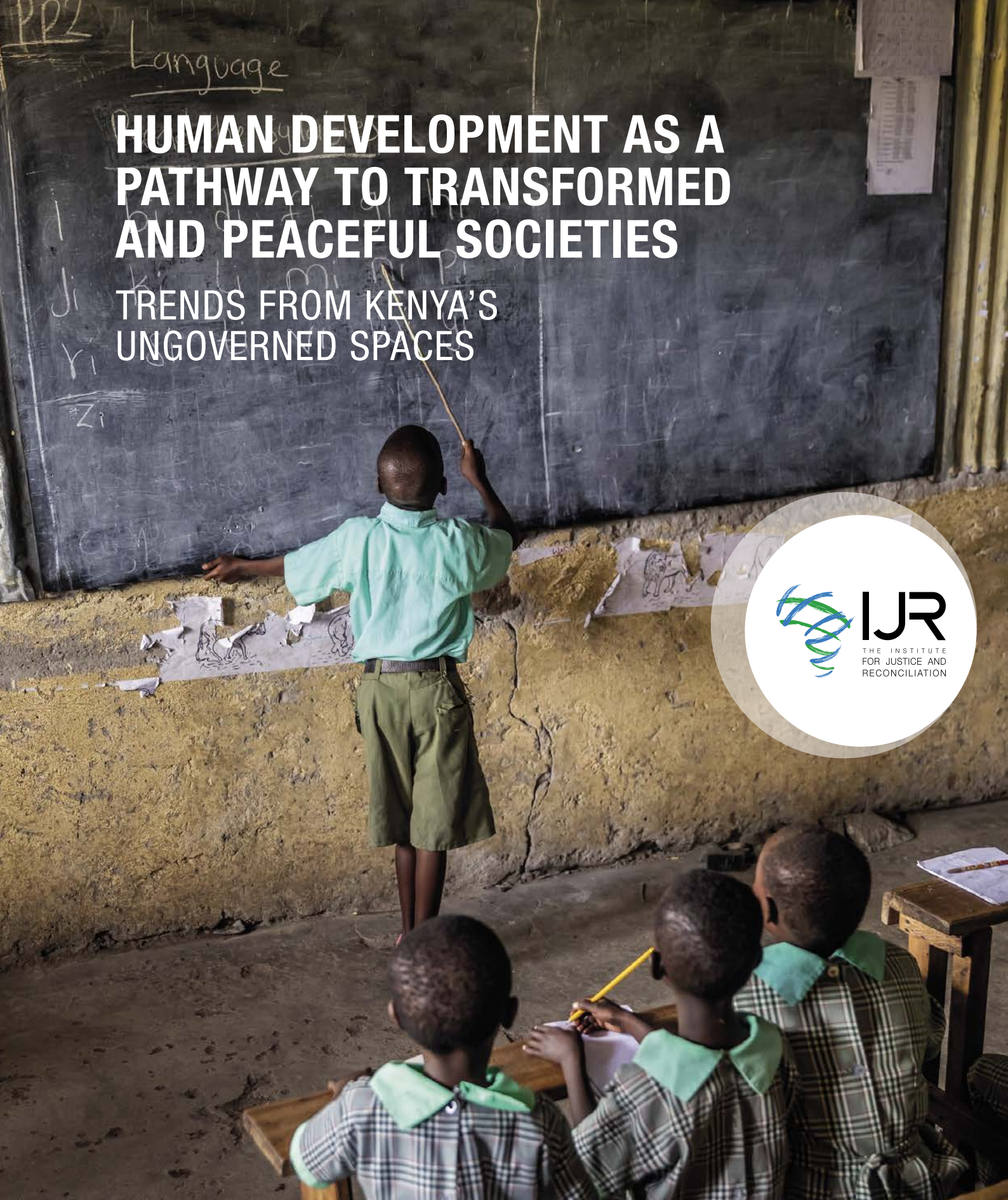## TRENDS FROM KENYA'S UNGOVERNED SPACES

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HUMAN DEVELOPMENT AS A PATHWAY TO TRANSFORMED AND PEACEFUL SOCIETIES

TRENDS FROM KENYA'S UNGOVERNED SPACES

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ACRONYMS AND ABBREVIATIONS

AfDB	African Development Bank
ASAL	Arid and Semi-arid Lands
AU	African Union
CDFs	Constituency Development Funds
CRA	Commission on Revenue Allocation
CSO	civil society organisation
FPE	Free Primary Education
GAD	gender and development
GDP	growth domestic product
HDI	Human Development Index
IHBS	Integrated Health Baseline Survey
IJR	Institute for Justice and Reconciliation
IPOA	Independent Policing Oversight Authority
IPPLA	Institute for Public Policy and International Affairs
KNBS	Kenya National Bureau of Statistics
KNSCVE	Kenya's National Strategy to Counter Violent Extremism
NAR	Net Attendance Ratio
NGO	non-governmental organisation
NHIF	National Health Insurance Fund
NPSC	National Police Service Commission
OECD	Organisation for Economic Co-operation and Development
SDG	Sustainable Development Goal
SID	Society for International Development
UN	United Nations
UN DESA	UN Department of Economic and Social Affairs

Map of Kenya
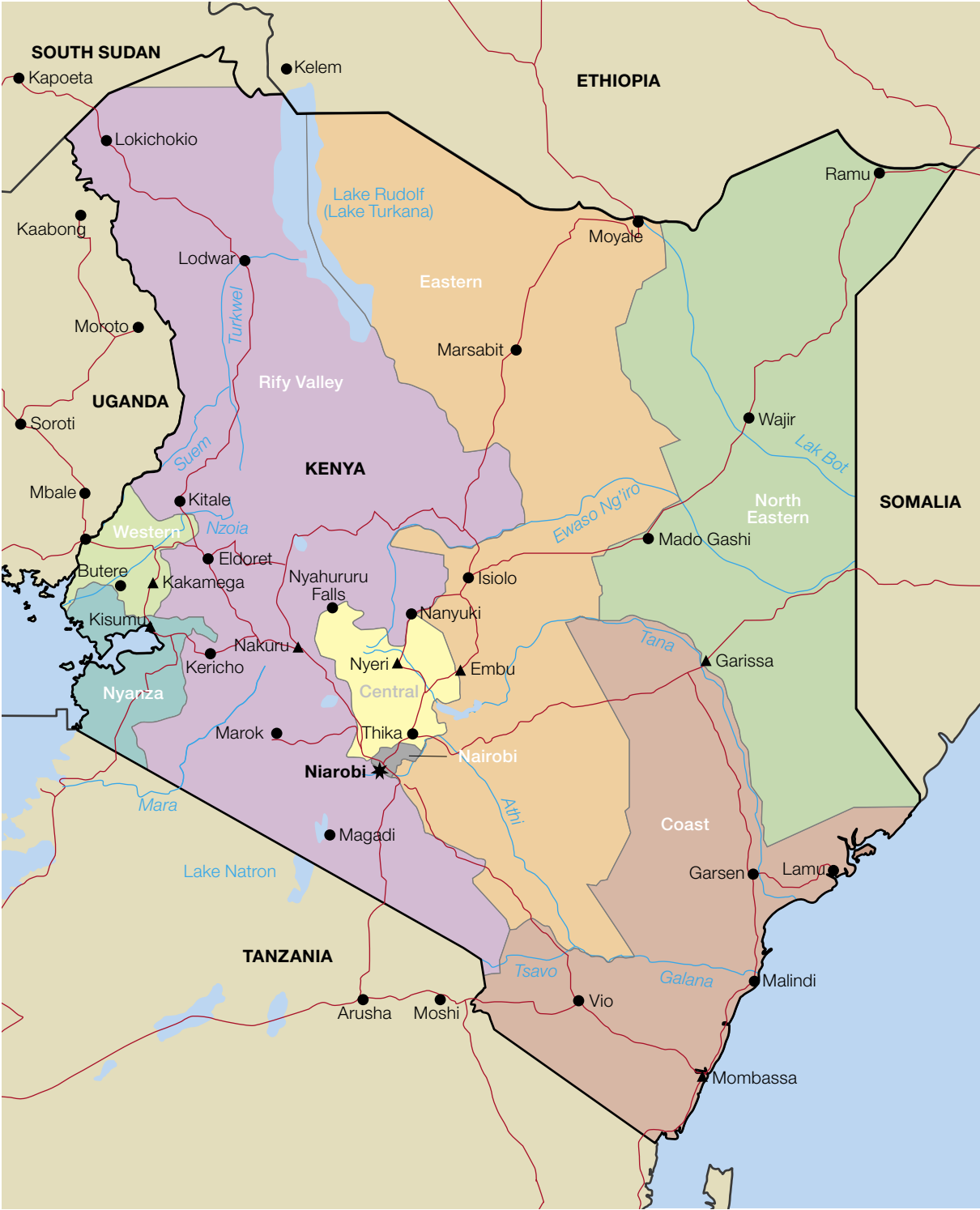
Source: www.geographicguide.net/africa/kenya; redrawn by COMPRESS.dsl

Human development as a pathway to transformed and peaceful societies: Trends from Kenya's ungoverned spaces

ABSTRACT

This paper deals with human development as an inclusive pathway to peace in Kenya, which is considered within the context of state capacity as well as the choices available to individuals. In many nations, peace and security are a function of sound human-development interventions, and the success of such interventions is directly linked to state capacity. When states have inadequate capacity, the implementation of human development is compromised, creating security challenges for populations, which are left vulnerable to human-security threats. Thus, understanding threats to human security is linked both to state capacity and an inclusive approach to development. This nexus between inclusive development and peace is more relevant than ever in Kenya as ethnic tensions, urban violence, violent extremism and COVID-19 continue to affect those living on the fringes of economic inclusion.

The following are the findings of the present study: The state administration is ultimately run by political leaders and it is difficult to divorce it from 'state machinations'. There are, however, 'strong movements to professionalise and operate a meritocracy rather than appointments made through political affiliation'. The acerbic Kenyan 'political culture' that divides Kenyans along ethnic lines has not been entirely 'rooted out of the state'. There are noticeable attempted moves towards 'constitutionalism', service delivery, and policy implementation. Politics in Kenya is about allocation of resources to the self and to associates, especially ethnic-based business associates. Devolution is working in Kenya; thus, it should be supported. Devolved governments are showing some impressive development patterns. Nevertheless, new patterns of devolved violence because of urban-to-rural migration increased the potential for the dispersion of election-related violence in 2022. Meanwhile, the government is investing in infrastructure that is not benefiting communities. This is a phenomenon that is escalating tensions between pastoralists and the state. As a result, marginalised communities continue to be negatively impacted by government marginalisation. Consequently, groups are forced to find ways to generate their own resources in order to survive. The result is community conflict. In addition, women

remain vulnerable to economic and climate-related shocks. These issues, together with a lack of inclusion in decision-making, are hindering development in the regions under examination. The findings of the study are based on a literature review of human-development interventions in Kenya. The reviewed literature is in the form of refereed journal articles, books, reports, and various data sets. The findings are also based on a corroborated focus-group discussion.

SECTION ONE

INTRODUCTION

In his independence speech on 1 June 1963, the founding father of Kenya's independence and Kenya's first postcolonial prime minister, Jomo Kenyatta, identified poverty, ignorance and disease as Kenya's most pervasive enemies. Today, 58 years after independence, large portions of Kenyan society remain poor and highly unequal, with the country's top 10% of income earners capturing 60% of the economy's income (see Figure 1). As a result, a majority of Kenyans remain deprived of quality education as well as decent healthcare. Entrenching these realities have been weak and systemically corrupt government structures.

This paper deals with the prospects of human development as an inclusive pathway to peace in Kenya, which is considered within the context of state capacity as well as the agency of individuals. In many nations, peace and security are functions of sound human-development interventions, enabled by a capable state. Weak states compromise human development, creating physical and material security challenges for vulnerable populations. This nexus between human development and human security are more relevant than ever in Kenya as ethnic tensions, violent extremism and COVID-19 continue to affect those living on the fringes of economic inclusion.

58 years after independence, large portions of Kenyan society remain poor

Through this research paper, the authors explore how targeted human-development interventions can help create pathways to transformed and peaceful societies. This is done through Sections 1 to 4. First, Section 1 provides a brief background on the Kenyan context. Section 2 involves a macro-level analysis of Kenya's performance in delivering human development and includes an assessment of state capacity that provides a deeper dive into where the system needs improvement. Section 3 comprises three case studies of situations where peace and transformation remain fragile and identifies human-development interventions that can aid in the establishment of a fair, inclusive

and democratic society for the communities concerned. The case studies examine: (a) urban violence, particularly in the case of Africa's largest slum, Kibera; (b) pastoralist communities in Northern Kenya and the smouldering tensions between the Turkana and Pokot; and (c) the challenges faced by women in Northern Kenya, where violence by the extremist al-Shabaab group has left many in the region vulnerable. In each of these cases, material deprivation is to be found at the heart of the heightened

tensions. In the case of Kibera, inequality and political ploys trap people in cycles of violence, while, in the other two cases, climate change is exacerbating, and will continue to exacerbate, scarcity. Without human-development interventions that increase the agency of individuals, allowing them to make choices that consolidate peace, pockets of conflict will persist and even worsen. Finally, Section 4 concludes with policy considerations and areas for future research.

BACKGROUND INFORMATION

Weak states often block pathways to transformed and peaceful societies. Contributing to this phenomenon is pervasive corruption within institutions,[1] which can take on various forms. In Kenya, corruption manifests as cronyism, rent-seeking and clientelism (or patron–client relations), often along ethnic lines. Specifically, corruption is embedded in skewed and convoluted public policies and tendering systems. Catherine Boone[2] characterises the phenomenon of rent-seeking as 'distributive politics', which is also the cogwheel of the country's conflict systems and of broader insecurity in Kenya.

COVID-19 has introduced an additional layer of volatility to the region

Conflict in Kenya is usually triggered by stressors present at the time of the onset of such conflict. An example of these stressors could be instability in the Middle East or Somalia, which, in turn, can fuel negative Islamic sentiment towards Western powers and their interests in the region. Typically, these regional confrontations are instigated by al-Shabaab, with political violence and pastoralist conflicts being key leverage points. The social impact of COVID-19 has introduced an additional layer of volatility to the region.

The peace and security space in Kenya is subject to constant variation, but, over time, it has been dominated by the state and various civil society organisations (CSOs). The state is active in its role of maintaining law and order within national boundaries and in defending Kenyans beyond these boundaries. At the international and regional levels, Kenya is a peacekeeping nation contributing troops to United Nations (UN) and African Union (AU) peacekeeping efforts. Kenyan troops are currently part of the broader AU Mission in Somalia. At the domestic level, the country has enacted various pieces of anti-terrorism legislation into law. In September 2016, it launched a national framework for countering violent extremism in order to augment the existing, coercive counterterrorism measures.[3] When it comes to inclusive development,

various postcolonial regimes have fervently conceptualised and sought to implement human-development policy interventions.[4] These interventions were based on the realities of the time. Policy interventions have been analysed by various scholars and policy think tanks,[5] and, on the human-development front, such interventions include a few randomly selected seminal policies for emphasis purposes, for instance Sessional Paper 10 of 1965 that laid the foundation for African socialism and the redistribution of wealth based on the rich and productive agricultural regions of Kenya.[6] This policy has been criticised for its reductionist conception of sources of wealth in Kenya. It, among other things, identified the country's rich agricultural zones as the only potential area for economic growth and disregarded other sources of wealth such as livestock production and the potential production of gold and oil in arid and semi-arid regions.

The policy has also been criticised because of its over-reliance on modernisation theory. Modernisation theorists often misconstrue development as occurring in linear dimensions, which includes the stigmatisation of people in traditional communities as being lazy and anti-development. Consequently, this paternalistic approach has deprived many traditional groups and regions of the much-needed components of human development.

Other human-development policy frameworks and interventions include Vision 2030 and the 2010 Constitution, which incorporates a devolved system of government as well as the Bill of Rights. In addition, the Anti-corruption and Economic Crimes Act 3 of 2003, The Public Officer Ethics Act 4 of 2003, the National Cohesion and Integration Act 12 of 2008, and The Bribery Act 47 of 2016 have been promulgated.

The present research is pivotal because poverty, slow progress in advancing the basic capabilities of society, and weak governance are still debilitating problems in Kenya. To deal with these challenges, there are a host of development frameworks and interventions already in place. Past studies have, however, attributed the aforementioned weaknesses to a number of factors, most prominent of which are a lack of political will and poor governance. Most of these studies have recommended the creation of new policies and structures.[7] Thus far, there has been too little research investigating the problem concerned from a localised, bottom-up and intersectional perspective.

The authors of this paper have utilised a qualitative and descriptive methodology in collating and analysing available data. The analysis focuses on political violence by way of three selected case studies: urban violence in the slums of Kibera; pastoral violence among the Pokot and the Turkana in the North-West; and violent extremism in hotspots like Garissa, Wajir, and Mandera, where extremism and changing conditions have exposed women to greater vulnerabilities. The paper relies on existing data sets, books, refereed journal articles, reports and one focus-group discussion. The latter comprised eight participants representing academia, community-based mobilisation groups, gender groups, the youth, environmental practitioners, civil society, as well as pastoralist peace-and-conflict practitioners.

2

THE STATE OF
HUMAN DEVELOPMENT AND CAPACITY OF THE STATE

As an economic hub in East Africa, Kenya has witnessed impressive economic growth while gaining a reputation as the pillar of peace and security in the region. The proceeds of this growth have, however, not necessarily filtered through to the benefit of society as a whole. The poor in Kenya still suffer under deplorable standards of living. Public education, as a potential pathway out of poverty, remains of poor quality, and life expectancy, although having improved marginally, remains low (see Figure 3).

Public education, as a potential pathway out of poverty, remains of poor quality

The state remains the main supplier of development-related goods and services but continues to face complex challenges in delivering meaningful human development. Political freedom, human rights, the rule of law, and socio-economic inclusion frequently fall short of what one should reasonably expect of a democratic state.

To understand the way forward, it is crucial to take stock of the gains that have been made towards human development and, ultimately, inclusive development.

The socio-economic condition

The government's economic goal in Vision 2030 (launched in 2008) is 'to attain a sustained economic growth of 10% p.a. over the next 25 years'[8]. The social goal is to have 'a just and cohesive society enjoying equitable social development in a clean and secure environment'.[9] In terms of its socio-economic aspiration, Vision 2030 highlights poverty alleviation, quality education, healthcare, and gender equality, among others, as key areas to be addressed. The Vision 2030 flagship targets were set for 2012.

In the case of poverty alleviation, Kenya aims to reduce the number of people living in poverty. The government also aims to have a society that enjoys equality of opportunity. This it hopes to achieve by ensuring equal access to public services and to income-generating activities through: increasing the amount of devolved funds for local

communities; expanding school enrolment for girls and children from marginalised communities such as the pastoralists or residents in slums; and broadening the coverage of healthcare so that it reaches vulnerable communities.

When it comes to education, the Vision 2030 goal is to provide 'globally competitive quality education, training and research'.[10] It aims to achieve an 80% adult literacy rate and to increase the rate of students transferring to technical institutions and universities from 3% to 8%. Two of its flagship targets for 2012 were to build and fully equip 560 new secondary schools and to establish a teacher-recruitment programme designed to employ 28 000 more teachers.

> The gap between rich and poor is severe, which not only hinders sustained development, but is also an obstacle to political stability

In the health sector, the government aims to provide quality, universal healthcare for Kenyans. One of the strategies to achieve this is to devolve funds and the management of healthcare to the communities and to district medical officers, leaving the Ministry of Health to deal with matters of research and policy. Health had five flagship targets for 2012. One of them was to create a national health insurance. As of 2021, the National Health Insurance Fund (NHIF) covered just 18% of the population.[11]

As far as gender equality is concerned, the government strategy is clear. The aim is to increase women's participation in all economic, political and social decision-making processes. By the end of the first medium-term implementation period, women's participation in leadership, governance and decision-making had increased by 18%.[12] One of the gender flagship targets for 2012 was to institutionalise the Women Enterprise Fund and increase the amount of money available for projects launched by women. Over 700 000 beneficiaries are known to have accessed the fund.[13]

Unequal development

Sadly, human development in Kenya has not always been equitable. According to the 2017 Oxfam International Report on Income Inequality, Kenya is characterised by 'extreme inequality',[14] implying that the gap between rich and poor is severe. This not only hinders sustained development, but is also an obstacle to political stability.

The extent and persistence of inequality is illustrated in Figure 1, where the left axis tracks the percentage of national income that is captured by the top 1% of earners through to the bottom 50% of income earners. Alongside this, is the upward trend of gross domestic product (GDP) per capita (right axis). As Kenya made impressive gains in GDP growth (and, consequently, GDP per capita), it is clear from the persisting income inequality that these gains have not been equitable.

Further illustrating the concentration of wealth, Oxfam found that less than 0.1% of the population, comprising approximately 8 300 people, possessed more wealth than the 44 million Kenyans

who made up the remaining 99.9% of the population.[15] In addition, the wealthiest 10% of the population earned approximately '23 times more than the poorest 10%'.[16] Kenya also has the fastest-growing number of extremely wealthy people in the world, with predictions suggesting that the 'number of millionaires will grow by 80% over the next 10 years', amounting to the creation of 7 500 millionaires.[17] The lack of government will in addressing such inequality is supported by public-opinion surveys conducted by Afrobarometer. In 2003, under the coalition government, a marginal 15% of Kenyans thought that the government was handling inequality 'very badly', but, by 2019, this view was held by a far more substantive six out of every 10 Kenyans (59%). This is a matter of concern, as scholars have found a significant link between perceptions of inequality within society and the likelihood of a person participating in violence.[18]

In Kenya, this relationship between GDP growth and events of mass mobilisation or civilian unrest (protests and riots) is tracked in Figure 2. GDP growth is tracked on the left axis as a percentage, with the number of events being tracked on the right axis. Election years in 2002, 2007, 2013 and 2017 are differentiated by colour.

Election years in Kenya are typically marked by increases in violence as political elites mobilise people – often along ethnic lines or by creating patron–client rewards – to serve their own political interests. Between 2003 and 2008, economic growth was on a promising trajectory, while civilian action was on a downward trend. This also holds true from 2009 to 2011. Interestingly, Afrobarometer data indicates that, in 2005/2006, only 18% of people thought that their then living situation was 'very bad', compared with near half (47%) in 2012. This points not to causation but rather highlights the inverse relationship between

FIGURE 1: Income inequality and gross domestic product per capita
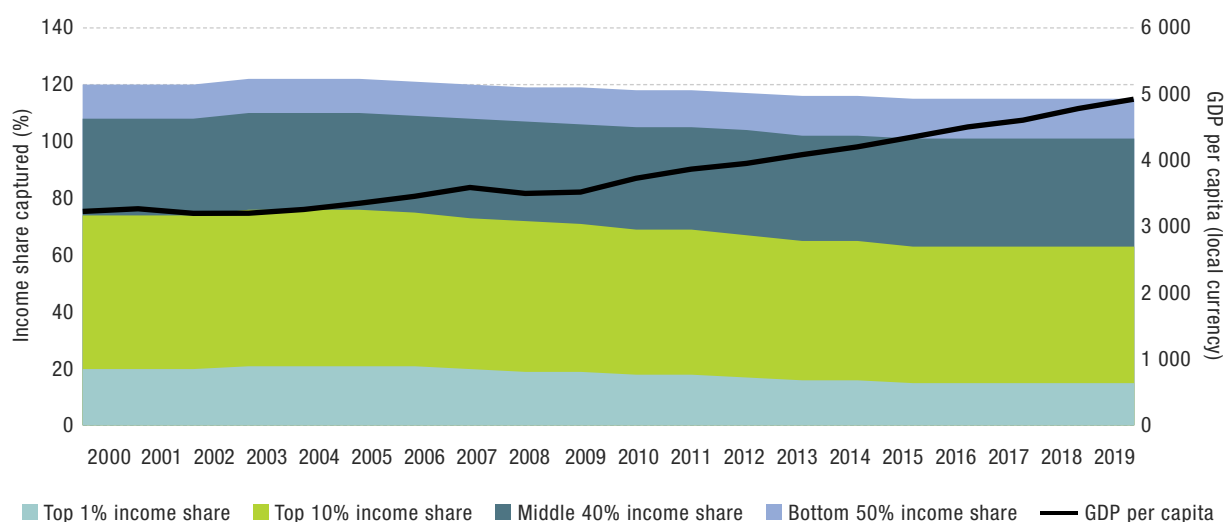
Source: World Inequality Database and World Economic Outlook (2021)

social cohesion and material deprivation in Kenya. If growth is not inclusive (such as in Figure 1), economic downturns are likely to quickly erode gains, with the most vulnerable facing further marginalisation. Consequently, we can conclude that growth has not been substantive in the sense that it has provided the groundwork for further human development. In the light of this, the vulnerability that it creates reduces the opportunity cost for individuals to participate in violent civil action to secure livelihoods.

Although inequality endures, poverty rates have fallen in the 21st century to about one in three people living in poverty. This reduction in the poverty headcount is largely due to the agricultural sector,[19] which continues to experience high growth. However, it is also the sector that is most vulnerable to climate-induced disruptions. By 2015, about 40% of Kenya's land was considered degraded.[20] This not only has the potential to undo progress and move people back to the margins of economic agency, but also gives rise to material deprivation that can pose a threat to peace.

> Growth has not been substantive in the sense that it has provided the groundwork for further human development

The exclusive nature of Kenya's economic development, coupled with productive industries' high susceptibility to shocks, highlights the need for basic human capabilities to be advanced through human development. This would allow for more Kenyans to participate in, and derive value from, economic development in spite of external shocks like price volatility or climate change, which are ultimately a threat to social cohesion and peace.

FIGURE 2: Gross domestic product growth and social cohesion
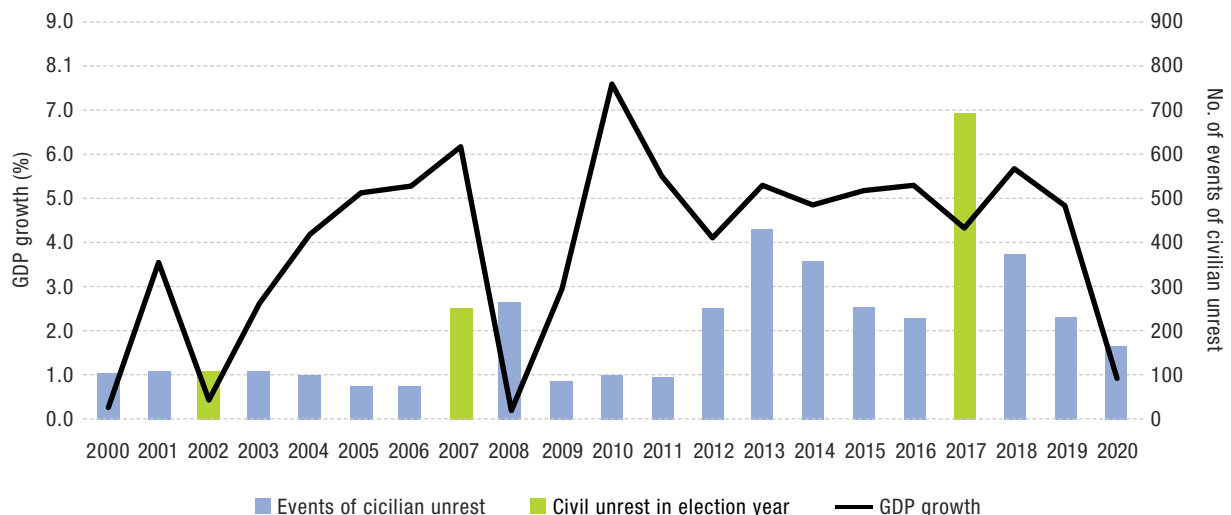
Source: *World Inequality Database and World Economic Outlook (2021)*

Human development

On the 2019 Human Development Index (HDI), Kenya ranked 143 out of 189 countries, with a human development score of 0.601.[21] Access to essential pillars of human development, such as healthcare and education, is pivotal to the achievement of a vision of inclusive development, as is outlined in the UN's Sustainable Development Goals (SDGs) 3 and 4. The UN's Human Development Indices track changes across different human-development outcomes. Figure 3 shows three different indices between 1990 and 2018.

Education

Between 2010 and 2018, gains in education are seen to stagnate (see Figure 3). This was despite rising GDP per capita (see Figure 1). Progress in education seen in the early 21st century

coincided with the creation of the coalition government in 2002. In the following year, a number of political reforms were introduced, the most notable of which were Free Primary Education (FPE) and the introduction of Constituency Development Funds (CDFs).

Against this backdrop, the 2003 Afrobarometer survey found that 54% of Kenyans thought that the government was addressing society's educational needs 'very well'. By 2019, however, this had dropped to 15%. The coalition government of 2002 that had enjoyed broad legitimacy had collapsed by 2005, fragmenting into different opposing units. The political turbulence from 2005 came to a head in the wake of the 2007/2008 global financial crisis. Thereafter, the Government of National Unity was formed which included the belligerent camps in terms of a peace deal brokered by the Kofi Annan team.

FIGURE 3: Kenya's progress towards human development
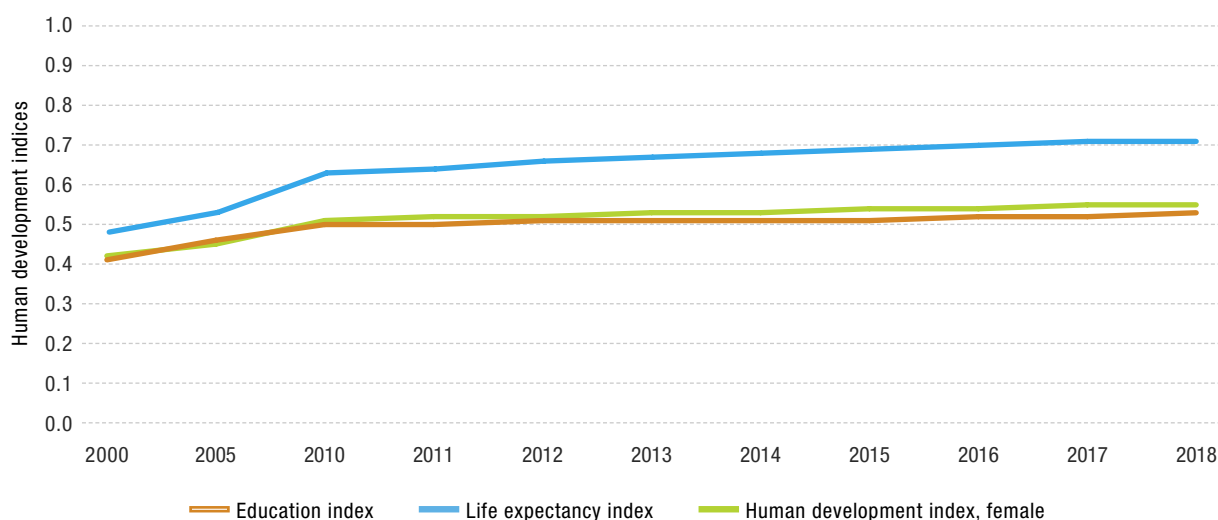
Source: UN human-development data

Oxfam International has found that there are approximately a million children who are supposed to be in primary school who are not enrolled in any formal education, while Kenya is ranked nine in the world among countries with primary-school dropouts.[22] In 2013, a quarter of Kenya's population had no formal primary education.[23] Of importance is also that spending on education has gradually decreased since the turn of the century. According to the UN's human-development data, spending on education as a percentage of GDP was 5.2% in 2000, peaked at 7.3% in 2005 during a period of intensive investment in primary education, and dropped back to 5.2% a decade later.[24]

Healthcare

When it comes to healthcare, marginal gains have been made. Over the last decade, the Life Expectancy Index (see Figure 3) has pointed to a gradual upward trend. By 2010, the state was spending about 6% of GDP on healthcare, but this has since dropped to a low of 4.5%.[25]

The same Oxfam International report asserts that approximately one-quarter of the Kenyan population lacks access to healthcare. Reportedly, the NHIF is least accessible to the poor who are elderly or have chronic illnesses.[26] The impact that this has on poverty is a matter of concern, as illustrated by a study which estimates that almost 2.6 million Kenyans a year are forced into poverty or remain trapped in a cycle of poverty because of ill health.[27] This underscores the importance of equitable development and highlights the fact that economic marginalisation cannot be divorced from the basic pillars of human development.

Gender

Gender and development (GAD) is an approach to exploring and explicating the impact of development interventions and the outcome of policies or programmes through a gendered lens. In interrogating the outcomes of government interventions, the GAD framework raises critical questions such as: Who are the winners and losers? What are the trade-offs that must be made in facilitating equity? What is the resultant balance of power or privilege between men and women, and also between different groups of women? At the institutional level, GAD allows us to interrogate how government policies are operationalised and helps us understand which women benefit from the interpretation and implementation of policies.

Almost 2.6 million Kenyans a year are forced into poverty or remain trapped in a cycle of poverty because of ill health

Intersectionality as a theory is derived from the work of Kimberlé Crenshaw[28]. It postulates that treating social categories such as gender and race as mutually exclusive is erroneous. Redressing gender discrimination, it argues, demands a critical analysis using an intersectional lens that supports the interrogation of ways in which women are oppressed or excluded.

Kenya is a signatory to, and has ratified, many international and regional conventions on gender equality, including giving it

comprehensive consideration in the 2010 Constitution. With this as a point of departure, Kenya has made important strides towards ratifying and enacting gender-equality laws. Yet, gender inequality remains persistent in Kenya. In Figure 3, the HDI score for women in Kenya is seen to plateau over the last decade. The Oxfam International report attributes this to poorly conceptualised economic policies and a general lack of gender equity.[29] In consultations, an academic scholar specialising in women and gender studies[30] noted that 'national and international gender equality [legislation] and policies are sufficient'. However, gaps in both the law and in implementation continue to impede meaningful progress.[31]

Only 6% of female farm workers have title to land, yet 96% of women in the rural areas are farm workers

The gaps in legislation include a lack of existing gender-equality considerations in the Kadhi courts as well as in the education and health sector.[32] There are also limitations to how legislation addresses gender-based violence, domestic violence, and rape.[33] The shortcomings with regard to implementation are often blamed on financing deficits and even on low levels of understanding of these laws among some legal officers.

An additional challenge to implementation is the persistent, patriarchal cultural norms that perpetuate negative attitudes in respect of women and their capacity to work in particular sectors of society. The same

stakeholder notes that there is 'a disconnect between the community and culture, and the interests and culture of international organisations'. One such example is to be found in patterns of land ownership – only 6% of female farm workers have title to land, yet 96% of women in the rural areas are farm workers.[34] In 2017, Afrobarometer found that one in three Kenyans do not believe that women have an equal right to own land as men do.

Aside from land, and on a positive note, the female-to-male unemployment ratio has been on a downward trend.[35] Despite this, women face stereotypes when it comes to their right to a job. When asked by Afrobarometer if men have a greater right to a job than women, a third of Kenyans indicated agreement with this statement, a view held more commonly among rural dwellers. In Kenya, about two-thirds of the country's women live in rural areas, with only 39% having completed secondary education (in contrast to 64% of urban women).[36] This underscores the heightened marginalisation faced by rural women in Kenya, an issue that will be discussed in greater detail within the case studies.

Governance

Governance is a key component of human development, often demarcating the state's capacity to effectively conceptualise and implement policies and overcome challenges. The UN defines national governance as 'the exercise of economic, political and administrative authority to manage a country's affairs at all levels'.[37] The Organisation for Economic Co-operation and Development (OECD) describes

good governance as comprising 'rules, procedures, process[es], and institutions that are put in place to arrive at more inclusive and participatory societies, more accountable governments, and more stable and prosperous countries'.[38]

The Constitution has 'the most promising potential for addressing long-standing political and socio-economic grievances'

The African Development Bank (AfDB), the UN Department of Economic and Social Affairs (UN DESA), and Mo Ibrahim view government as the foremost institution in facilitating development. It is also identified as the best pathway towards inclusive growth and security.[39] The AfDB and Mbaku postulate that the principles of governance include 'accountability, transparency, participation, combating corruption, and enabling legal and judiciary frameworks'.

The African Peer Review Mechanism and African Architecture assert that good governance requires:

> *legitimacy, whereby the government has consent of the governed; accountability that ensures transparency and answerability for actions; respect for law and protection of human rights; and competence, which consists of effective policy making, policy implementation and service delivery.[40]*

From these definitions of governance, the three main factors in respect of policy conception

and implementation emerge: first, coordination and leadership; second, stakeholders' participation; and, third, monitoring and evaluation. Governance in Kenya is incorporated in its Vision 2030 political goal as being 'an issue-based, people-centred, and accountable democratic political' system. [41]

The Constitution

A new dawn for Kenya under the 2010 Constitution offered renewed hope and opportunities for inclusive development, peace and security. Chapter 1, Article 1, states that 'all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution'.[42] According to Judge Willy Mutunga, the first chief justice under the 2010 Constitution, the new Constitution represents the culmination of 68 years of struggle against colonial rule, followed by five decades of oppressive postcolonial African rule.[43] Mutunga identifies key areas of departure from previous constitutions, including the democratisation and decentralisation of executive powers; the strengthening of institutions; the creation of oversight bodies that strengthen checks and balances; the placing of authority in the hands of Kenyans; as well as the Bill of Rights.

On the other hand, some academics maintain that the Constitution has 'the most promising potential for addressing long-standing political and socio-economic grievances'.[44] They mention the potential to include the devolution provision that creates a 'standard basis' for revenue allocation from the national government to 47 county governments.[45] Some of the weighted percentages used in revenue allocation

include a poverty index, counties' physical size, and counties' populations.

The Commission on Revenue Allocation (CRA) makes recommendations to Parliament concerning revenue allocation that are based on the socio-economic status of each county. The recommendations are then debated, are amended where necessary, and are approved. National revenue allocation is one of the many interventions aiming to equitably distribute national wealth. County authorities are allowed to collect revenue for some services rendered in their jurisdictions. These interventions together are expected to address the 'structural marginalisation'[46] that many communities grapple with. In addition, it is envisaged that peace in the country will enable inflows of investment to particular counties.

Of particular concern regarding the marginalisation matrix are the pastoral communities in the Arid and Semi-arid Lands (ASAL) who have been historically marginalised because of the topography of their land and their perceived rejection of modernity.[47] When it comes to revenue allocation, these marginalised communities and their concerns have become a matter of heated public debate. Their inclusion is a significant departure from the policy implementation period in Sessional Paper 10 of 1965 whereby pastoralist communities were not included in the national resource allocation or in the calibration of the economic growth and development of the country.[48]

Furthermore, the 2010 Constitution introduced pathways towards reforms in many public institutions, including reforms pertaining to the police and judiciary. These reforms were long overdue, because the two institutions

concerned were hotspots of human rights abuses and of corruption. Several new laws have been enacted and have led to the merging of the Police Force and the Administration Police into a Police Service led by an inspector general. The inspector general is competitively recruited by the National Police Service Commission (NPSC). After intensive vetting and interviews, the NPSC makes recommendations to the president on who to recruit. The president then approves the appointment, subject to approval by Parliament. This is a departure from past appointments which, before 2010, were the prerogative of the president.

National revenue allocation is one of the many interventions aiming to equitably distribute national wealth

The Independent Policing Oversight Authority (IPOA) was established by an Act of Parliament in 2011 and inaugurated in 2012. The IPOA was created to monitor police abuses of human rights, among other key responsibilities. The reform spree in Kenya has also seen government conceptualise and roll out the implementation of Kenya's National Strategy to Counter Violent Extremism (KNSCVE).[49] The strategy, which was launched in September 2016, is seen by many as augmenting the coercive counterterrorism measures already in place.[50]

Through the World Bank's Governance Indicators – measured on an index ranging from 2.5 to –2.5 – it is possible to track the impact of these developments on overall

governance. Figure 4 tracks government effectiveness and the rule of law over three decades (left axis) alongside Kenya's HDI score (right axis). In the period between 2006 and 2009, both governance indicators pointed to a deterioration in quality, while human development also suffered a setback in those years. Since then, following the introduction of the 2010 Constitution, steady improvements in government effectiveness and the rule of law have occurred in tandem with steady, albeit marginal, improvements in human development.

Civil society

The 2010 Constitution offers a unified national vision for Kenyans, but, unfortunately, its implementation is fraught with challenges. Of concern are the moves made by the state to curb the freedoms and rights enjoyed by civil society. According to some scholars, freedoms and rights have been curtailed by the enactment of the Prevention

of Terrorism Act of 2012, the Security Laws (Amendment) Act of 2014, and the Miscellaneous Amendment Prevention of Terrorism Act of 2019.[51] These Acts have rolled back many political freedoms and rights enshrined in the 2010 Constitution. The Miscellaneous Amendment Prevention of Terrorism Act of 2019 is particularly perceived to have been enacted in order to restrain the freedom and rights of CSOs.[52]

Prior to the Miscellaneous Amendment Act of 2019, the government had, since 2013, made several attempts to control non-governmental organisations (NGOs) in Kenya. The government of President Uhuru Kenyatta took office in 2013 and sought to impose a 15% cap on foreign funding for NGOs.[53] This was viewed by many as an attempt to restrain CSOs, which received around 99% of their funding from international donors.[54] The move was resisted by the NGOs and the government eventually backtracked

FIGURE 4: Government effectiveness, the rule of law and the Human Development Index
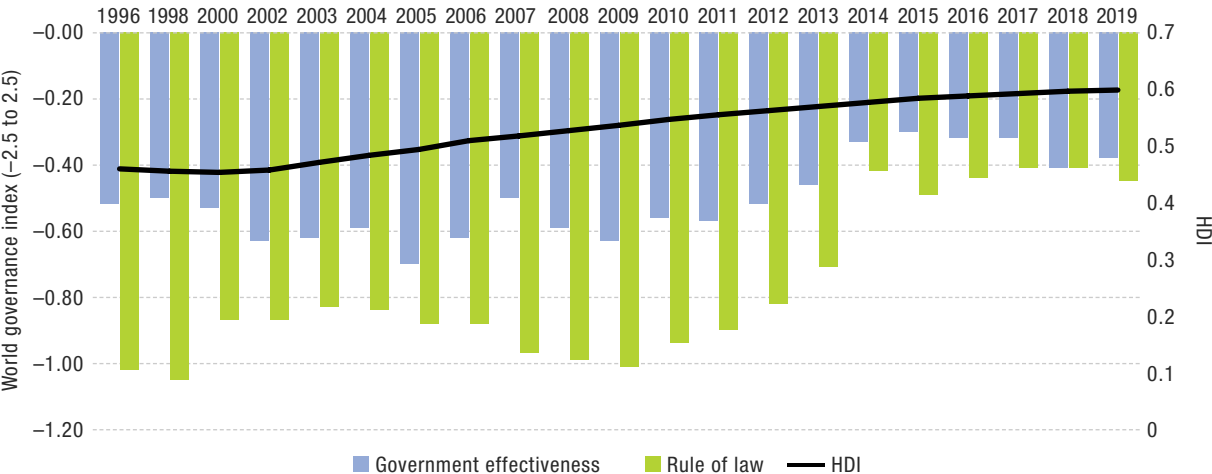
Sources: World Governance Indicators; Human Development Index

on the issue. This finds relevance in the present discussion because NGOs are instrumental conduits for human development, as illustrated by the reliance of nearly half (47%) of the country's public health services on NGO support.[55] NGOs managed to lobby legislators against introducing the 15% cap, arguing that it would result in a major socio-economic deficit for Kenya.

Corruption

The political stability of Kenya's 2002 coalition government delivered important progress as regards human development specifically (see Figure 3) and economic inclusion more generally. Although the Oxfam International report identifies poor 'policy choice' as the basis for enduring socio-economic inequalities in Kenya,[56] Owiti,[57] as well as Sifuna and Oada,[58] argue in various articles that Kenya is not short of human-development policies

but rather that good policies have been hijacked by political elites who have implemented these policies in a manner that supports elitist interests. Figure 5 displays World Governance Indicators (on a scale from 2.5 to –2.5) for the control of corruption and political stability, tracked from the time of the coalition government onwards. These two indicators largely mirror each other. Between 2003 and 2013, minor changes in the control of corruption were accompanied by slightly larger changes in political stability and the absence of violence.

This highlights the important consideration that controlling corruption and emphasising political integrity are not only central to boosting investor confidence in the face of mounting national debt, but are also a cornerstone in ensuring national stability. Ensuring this might help to build vertical trust and renew the strength of the social contract.

FIGURE 5: Political stability and control of corruption
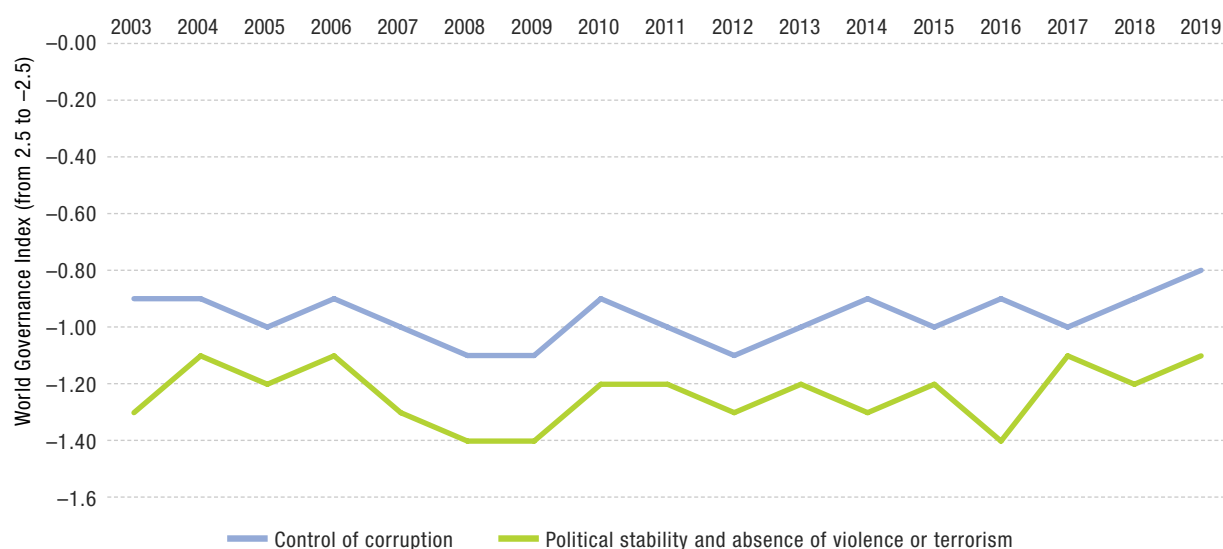
Source: World Governance Indicators

3

CASE STUDIES: A HISTORY OF MARGINALISATION

The Global Poverty Index shows that 48.8%, 28.3% and 12.9 % of Kenyans are classified as vulnerable to poverty, in severe poverty, and destitute.[59] The poverty levels among the pastoralist communities are exceptionally high, with 85% of pastoralist households living below the poverty line.[60] Sadly, there are other pressing socio-economic realities that characterise life in the ASAL region.

> Owing to the weak state presence in these areas, there is an influx of small arms and weapons

The postcolonial African administration inherited colonial institutional structures, including colonial modernisation policy and infrastructure that ultimately marginalised the pastoralist and Muslim communities in Kenya. The national development Sessional Paper 10 of 1965 was meant to spur on development by dividing Kenya up based on agricultural zones. However,

the ASAL, which was mostly inhabited by pastoralist communities, notably the Turkana, Samburu, Maasai and Somali peoples, were neglected in terms of both infrastructural and human development. These regions have had fewer schools, healthcare facilities and roads than the rest of the country.[61] Owing to the weak state presence in these areas, there is an influx of small arms and weapons.

Aside from the topography that underpins government neglect of these regions, government has also failed to recognise livestock farming as a productive venture. Furthermore, the potential for mineral production in the ASAL region has not been sufficiently considered. Policymakers have acted under the assumption that these communities are averse to modernisation because it conflicts with their traditional customs. Accordingly, in the absence of active measures to promote inclusion, pastoralists have been left to gradually join 'modern society' at their own pace. To date, the state has made little effort to support human development in these regions.[62] Often,

conflicts over access to resources, such as water and grazing land, or cattle rustling break out among these communities. In response, community elders take on the role of mediators. However, they are not always successful and, at the point of breakdown, the state steps in by sending the paramilitary to stop the conflict.

The coastal region, which is mostly inhabited by Muslims, as well as the former Northern Frontier, which is mostly inhabited by Kenyan–Somali people of the Muslim faith, have also been marginalised by the colonial and the postcolonial administrations. The colonial administration built a few state-supported Christian schools, while largely neglecting Muslim schools. The postcolonial administration continued this trend. In addition, most settlers in the coastal region are not indigenous to the area. In the light of this, jobs in these coastal areas are mainly filled by people who have settled here from other places. Moreover, some of the jobs require skills that are not commonly found among the indigenous population; skills development has been limited by access to quality education.

The Kenyan–Somali people, for their part, have had grievances with the state since independence. Immediately after independence, war broke out in the region and lasted from 1963 to 1967. The Kenyan–Somali people had voted in a referendum seeking to secede from Kenya. Following the war, which was named *shifta* (a Somali word meaning 'bandit'), the government isolated the region.

Although the two regions (North-East and Coastal) are also beneficiaries of the 2010 Constitution and other political reforms, including devolution, the Coastal and North-East regions (see map of Kenya) are popular recruitment areas for violent extremism. In addition to their grievances with the state, high levels of poverty and illiteracy persist in the regions. All of this occurs against the backdrop of an overwhelmingly youthful Muslim population, which, in the absence of upward social mobility, makes them vulnerable to extremist Islamist ideologies.

The proportion of children born in health facilities improved to 65.3% in the 2015/16 Integrated Health Baseline Survey (IHBS) from 39.1% in the 2005/06 IHBS.[63] However, in the ASAL region of Wajir, Mandera, Samburu and Marsabit (see map of Kenya), 70% of children were born at home. There are fewer health facilities in this region compared with Kirinyaga, Nyeri and Kisii, where 90% of children were born in a health facility.[64]

In addition to their grievances with the state, high levels of poverty and illiteracy persist in the regions

Despite the generally positive trajectory of human development in Kenya, gains have not been equal across regions. This is particularly true in Kibera and the ASAL region, where government expenditure on health and education is insufficient. This is evidenced by fewer health and education facilities as well as fewer teachers and health staff in these areas.[65]

Urban violence in Kibera

Across Nairobi, approximately 2.5 million people live in around 200 different slums or informal settlements.[66] Population density is extreme and, in terms of numbers, exposes a sobering reality – 60% of the city's population live on a scant 6% of the land.[67] Kibera, the largest slum not only in Nairobi but all of Africa, is home to about 250 000 residents of diverse ethnic backgrounds.[68] Many residents settle here in search of work, often supplying unskilled labour to Nairobi's industrial economy. Kibera is also known for its high density of unemployed youth.

Life here is characterised by extreme population density and deplorable living standards (see Figure 6). People live in 12 ft × 12 ft mud-walled houses with rusty corrugated-iron roofs. A single room can be home to up to eight people. Service provision is unreliable; consequently, clean water and electricity are scarce. Poor sanitation provision means that one pit latrine is shared by around 50 households. When full, the pit latrines are emptied in the nearby river. Flying toilets are common, meaning that people relieve themselves in small black polythene bags and dispose of the waste on rooftops, at dumping sites and in drainage

FIGURE 6: The Kibera slum[69]

trenches. According to a community mobiliser,[70] 'communities do not get services on time and are often forced to take care of themselves'.

When it comes to the spread of disease, including COVID-19, extreme density and lack of sanitation pose major risks. In large numbers, residents of Kibera venture out of the slum every day and interact freely with the broader population of Nairobi. However, under lockdown restrictions, vendors and traders could not access consumers. Restriction of movement in and out of Nairobi meant that Kibera residents could not continue to get their market supplies from the villages. It is also common practice that people come into Kibera to sell goods, thus impeding the livelihoods of those in the slum as well as those dependent on demand for their goods or services from residents of Kibera.

Within Kibera, tensions and violence are underpinned by several factors. One of these is ethnic divisions. The majority of Kibera's population are Luo and Luhya, while also including a few Kamba ethnic groups. Another common source of tension is that between tenants and landlords (mostly from the Kikuyu ethnic group and the Nubians – originally from Sudan). In addition, unemployed youths swell the ranks of Kibera's gangs, especially the dominant Bagdad Boys who operate as a vigilante group. Overseeing the safety and security of Kibera's residents is a police force operating with impunity and known for its misuse of power.[71] The police force is often overstretched and faces difficulties penetrating Kibera, leaving the area largely under the command of gangs.

Figure 7 shows the extent and nature of conflict events within Kibera over the last two decades. Common occurrences include

FIGURE 7: Conflict-related events recorded in Kibera
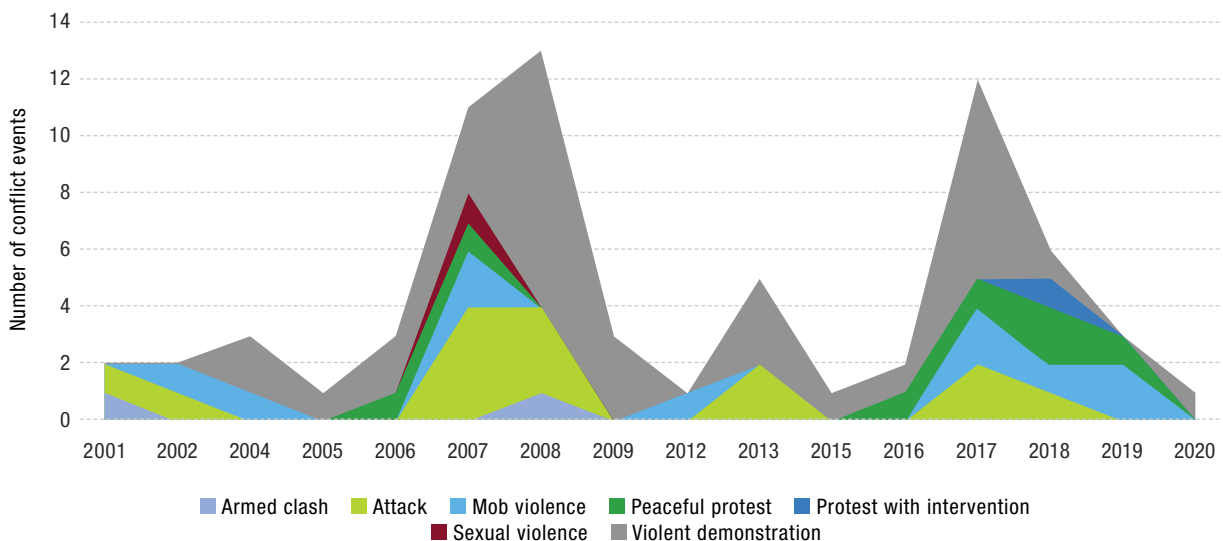
Source: ACLED

armed clashes, attacks, mob violence and violent demonstrations.

Tensions especially tend to erupt into violence during election periods (see Figure 7: 2006/7/8, 2013, and 2017) when politicians mobilise large groups of people not only based on their ethnic affiliations, but also by appealing to their relative material deprivation. In Figures 2 and 7, election years are clearly characterised by an uptick in civil unrest. A community mobiliser and director of a CSO observes that 'politics is becoming increasingly ethnic-based, with communities now fronting their own to access political power', hoping that 'access to power will alleviate their socio-economic struggles'.

In consultations, a Kenyan demographer[72] said that the trend of internal migration might help alleviate population density in Kibera and other slums (See Figure 8). They explain that Kenya has many different types of internal migration, such as urban–

urban, urban–rural and also rural–rural. With devolution enabling development outside Nairobi, rural–urban and rural–rural migrations have become more prevalent outside of the capital, with migration to smaller underdeveloped areas taking place.

Figure 8 tracks three metrics related to urbanisation. The first trend is the share of the urban population living in slums, with an associated trend line. This dropped from a high of 56% in 2014 to a low of 47% in 2016 and has remained constant until the most recent data point. During crisis and election periods, population density within slums usually decreases as people migrate to rural areas. However, a decrease in the share of urbanites living in slums does not seem to influence violence in Kibera, which nevertheless peaked in 2017.

The second trend tracked in Figure 8 is the share of the urban population that lives in the capital, Nairobi. This has decreased

FIGURE 8: Urban population
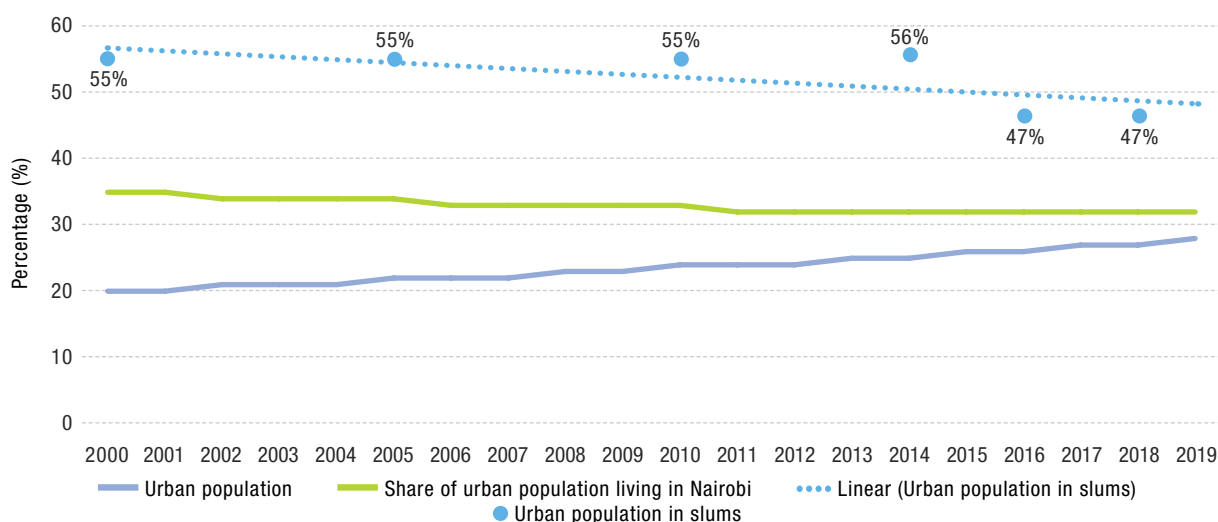
Source: World Bank DataBank

by about 3% over the last two decades. In contrast, Kenya's total urban population is on an upward trend and has grown by 8% in this period. This may be attributed to devolution and people migrating to adjacent towns, such as Kajiado and Kiambu, where the cost of housing and living is lower.

The demographer noted that growth which is more widespread is expected to increase urbanisation across the rest of the country as each of the 47 counties develop and become urban in nature. This phenomenon will create momentum for people from different regions to migrate to the urbanised area within their region and ultimately reduce demand on already-strained urban infrastructure in the capital.

The arrival of COVID-19 and its negative impact on employment has forced large segments of the newly unemployed to migrate out of cities and return to rural areas. A matter of concern raised by the community mobiliser is that criminals and/or perpetrators of violence in urban slums are also among those migrating back to rural areas. More research is required to understand how migration out of Kibera or plans to create less dense urban spaces might affect the onset of urban violence and also diffuse political tensions to the areas receiving Kibera's migrants.

Pastoralists in Northern Kenya (the Turkana and Pokot)

'Pastoralism' refers to an economy that centres on raising domestic animals. Pastoralists move across vast areas of their region – largely dictated by changing seasons – seeking out pastures and water for their herds. The nature of their lifestyle creates a delicately balanced co-dependence with sedentary farming communities.[73] Unfortunately, changing contexts that create scarcity have worked to escalate competition and ultimately trigger growing friction among these groups.

As far back as 1994, a leading scholar warned of the impact of the 'coming anarchy' of scarcity on the social fabric of society.[74] For Africans whose primary means of livelihood is raising domestic animals, this warning has manifested through scarcity created by land degradation (which affected 21.6% of sub-Saharan African land in 2015), [75] environmental stressors and weak state capacity. Some scholars argue that it is political marginalisation and social exclusion that create the scarcity with which pastoralists are confronted.[76] This case study of the Turkana and Pokot peoples of Northern Kenya illustrates such phenomena.

The Turkana and Pokot are nomadic pastoralist people of Northern Kenya. The two communities are often in conflict with each other over finite resources, creating points of tension relating to cattle rustling, grazing land, and water. During the drought season, which is exacerbated by climate change, these tensions have become increasingly common. Figure 9 shows the number of conflicts in which either the Pokot or Turkana militias are recorded as being the main actors. Over the last two decades, this has amounted to an average of ten per year, with an annual average of 46 fatalities over the period.[77] Devolution and oil resources have transformed the conflict dynamics between the Pokot and Turkana. The need to access political power at the

local level associated with access to jobs and resources at the county level, is a prominent feature in the conflict. Consequently, politically incited violence is becoming increasingly prominent in the North-West region during periods of political campaigning. Figure 9 shows that conflict involving Pokot and Turkana militias peaked in 2017, which was an election year.

A researcher who focuses on pastoralism and climate change[78] observes that 'Northern Kenya is a … landscape [neglected] by the government'. The neglect stems from Kenya's colonial period, during which 'the area was known as a "closed district", implying that there was no development'. This neglect is further exemplified by the state of law enforcement in the area. Security officers are typically deployed there as a form of punishment. Also, the region is referred to as a 'hardship zone'. A security-reform coordinator[79] concurs with this view and reflects on a survey that was conducted by

FIGURE 9: Pokot–Turkana conflict events

Pokot ethnic militia   Turkana ethnic militia
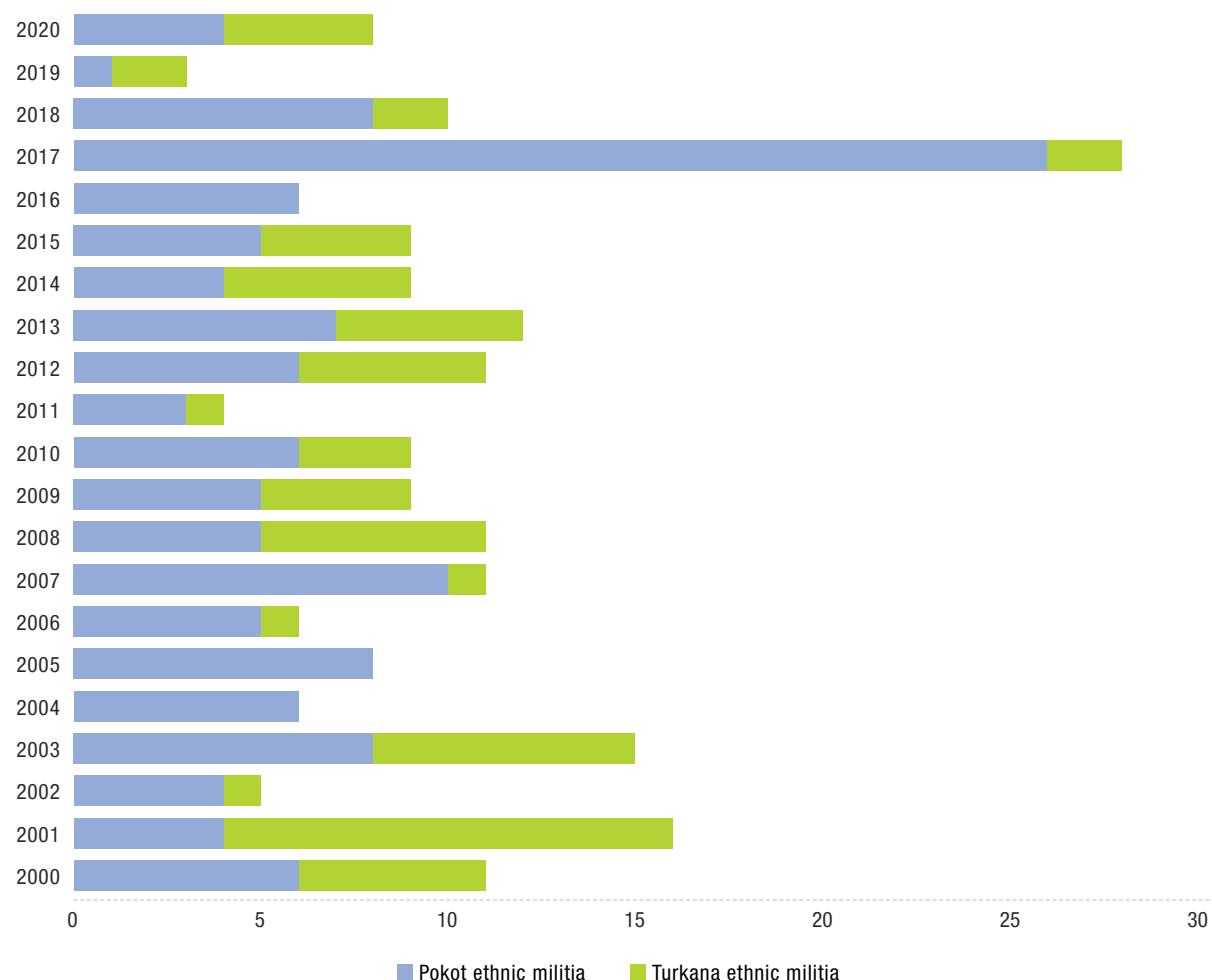
Source: ACLED

the Usalama Forum at a police station in the area staffed with about 20 police officers. The survey findings show that nine in ten (90%) police officers were posted there on disciplinary grounds, which, in turn, gives rise to concerns regarding citizen security.

In addition, the discovery of oil in the region increased competition between these two communities, which now also fight over employment opportunities at drilling sites. Low levels of formal education mean that there is little technical skill among pastoralists, and, ultimately, they compete to dominate the unskilled labour market. The findings of a 2013 report by the Kenya National Bureau of Statistics (KNBS)/ the Society for International Development (SID) show that 93% of the population of Loima, a constituency of Turkana County, have no education.[80] In 2018, the findings of a KNBS report showed that the Net Attendance Ratio (NAR) in respect of secondary schools in Turkana was as low as 9.3%. This serves to illustrate how poor human-development outcomes have limited opportunities to only the unskilled labour market, which means that unskilled labourers are unable to capitalise on skilled jobs being created as new industries reach their region. Competition in the unskilled labour market is becoming a growing concern that necessitates additional peacebuilding in the area.

Where the state has been absent and human development has been inadequate, pastoralists are presented with both a low opportunity cost of participating in fighting and a reduced absolute cost of doing so. Further characterising these communities is the prevalence of young 'warriors' who are armed

with small and light weapons. In consultations with an academic studying the region,[81] they noted that individual pastoralists are commonly armed with a rifle to protect their livestock (an asset of significant value). Most of the guns are illegally acquired through porous national borders. Despite growing scarcity, a government presence in the region remains limited. Instead, community elders and the District Administration try to settle the disputes between the communities. Failing that, the paramilitary is sent in by the national government.

The state has been absent and human development has been inadequate

The pastoralist communities use 'cattle raids' as a means to acquire livestock. The raids have transformed from traditional raiding to more violent forms of raiding where loss of life is a common outcome when tensions boil over into conflict. It was noted in discussion with a researcher working in the area that the growing violence can be seen as a multiplier for conflict onset among these communities.

Figure 10 shows the types of conflict events, recorded by ACLED across the last two decades, in which Turkana or Pokot ethnic militias were noted as being the main actor. Armed clashes and attacks remain the two most common types of events led by these two militias, with only one agreement recorded in 2018. This was a truce signed between the Pokot and Marakwet to put an end to raiding and reprisal attacks,[82] but, in the first half of 2019, cattle rustling in

FIGURE 10: Nature of conflict events associated with Turkana and Pokot militias
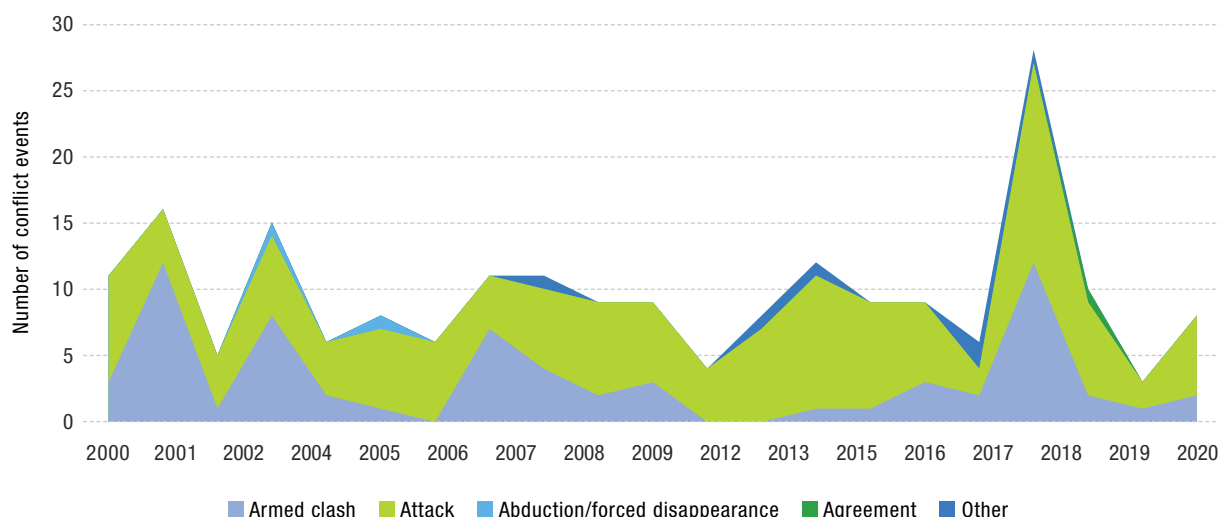
Source: ACLED

West Pokot and Elgeyo-Marakwet counties saw the killing of 30 people.[83] Pastoralist conflicts also risk broader regional tension, as illustrated by the 2019 theft of 400 head of cattle in Uganda by Kenya's Turkana.[84]

When it comes to peacebuilding, an attempt was made to remove the material incentive for the individual to steal an animal by creating a rule that the person stealing the animal could not keep it. However, this led to a system where stolen animals were relinquished to community elders, who then sold the stolen animals and bought light arms with the profits.[85]

Often these violent outbreaks happen within close proximity to security or police personnel, who are unresponsive despite their proximity. The same researcher notes that this is an outcome of elite political interests in the area. However, further research is required to better understand why this unresponsiveness persists. Securing borders as well as raising

awareness regarding illegal arms dealing are also necessary.

National funding and resources that do make their way to the neglected region are known to address broader strategic interests rather than the development needs of these communities. In consultations with a researcher,[86] the following was noted:

Government approaches development from an investment perspective that eventually becomes redundant. For example, [it builds] an international airport in the area which ends up being a white elephant project. Essentially government projects do not benefit the locals because there is a disconnect between what the locals need and what the government is providing.

This is also relevant in relation to the construction of the highway passing through Isiolo and on to Ethiopia. The road is so

seldom used that communities are in the habit of using the tarmac to dry their grain. The road has also facilitated an increase in migration into the region, and, consequently, community elders have been known to mobilise parts of their community against migrants. In addition, communities lose land as a result of these projects, pushing them further into the arid lands. Tensions continue to simmer as local groups acquire arms to resist these large-scale development projects.

Tensions continue to simmer as local groups acquire arms to resist these largescale development projects

The researcher referred to above has found, from consultations with these communities, that they want development in the form of schools and healthcare facilities. Further, the researcher found that, up until now, there has been no 'public consultation with communities, but rather a few government officials would engage with selected community members who act as gatekeepers'. Unless the national government can meaningfully engage pastoralist communities and shift the provision of development to meet the type of development demanded by local communities, development will remain exclusive and also be a source of potential conflict in Kenya's Northern region. In essence, development in the region, be it drilling for oil or constructing highways, is not inclusive development, nor is it focused on advancing the basic capabilities of these communities. Ultimately, this compounds

grievances in an area where arms proliferation is growing more common.

Violent extremism in North-East Kenya (the Kenya–Somali)

The 2014 Plan of Action to Prevent Violent Extremism Report by the UN Secretary-General[87] identified national development policies as a leverage point in addressing the drivers of violent extremism. Through aligning local policies with certain SDGs – such as poverty alleviation, equitable and quality education, gender equality, inclusive and sustained economic growth, reducing inequality, and promoting peaceful societies – the drivers of violent extremism are expected to be addressed. In Figure 3, progress in addressing these drivers is seen to slow over the last decade.

In the North-East region of Kenya, areas such as Mandera, Wajir and Garissa (see map of Kenya) are known hotspots for violent extremism. In this region, al-Shabaab, through its reign of terror, holds communities to ransom. On 3 April 2015, for example, four al-Shabaab gunmen attacked Garissa University College and fired indiscriminately, killing 148 people, mostly students. Such events remain fresh in the memories of inhabitants and inhibit progress on various levels.

The region is characterised by widespread economic marginalisation. It recorded a high destitution rate of 48.8%, as compared with 16.2% for the Coast region, 2.8 % for the Central region and 10% for the Eastern region.[88] When it comes to education, KNBS records show that Garissa has a low NAR in respect of pre-primary (4.4%) and primary (37.8%) education.[89] Turkana has the

lowest NAR at 9.3% for secondary school education. In addition, 93% of the population in the Loima constituency of Turkana County had no education.

When it comes to material deprivation, fear of violent extremism is more prevalent among Kenyans experiencing high levels of poverty. In 2017, Afrobarometer found that 31% of Kenyans who experienced high levels of poverty feared violence from extremists, compared with 22% who were not living in poverty.[90] In addition, Figure 11 shows that those with 'fairly bad' or 'very bad' living conditions are more likely to fear violence from extremists – 35% and 65%, respectively – compared with only one in five (20%) Kenyans in the North-East who report 'fairly good' or 'neither good nor bad' living conditions. People in the region with decent living conditions are also less likely to experience violence from extremists.
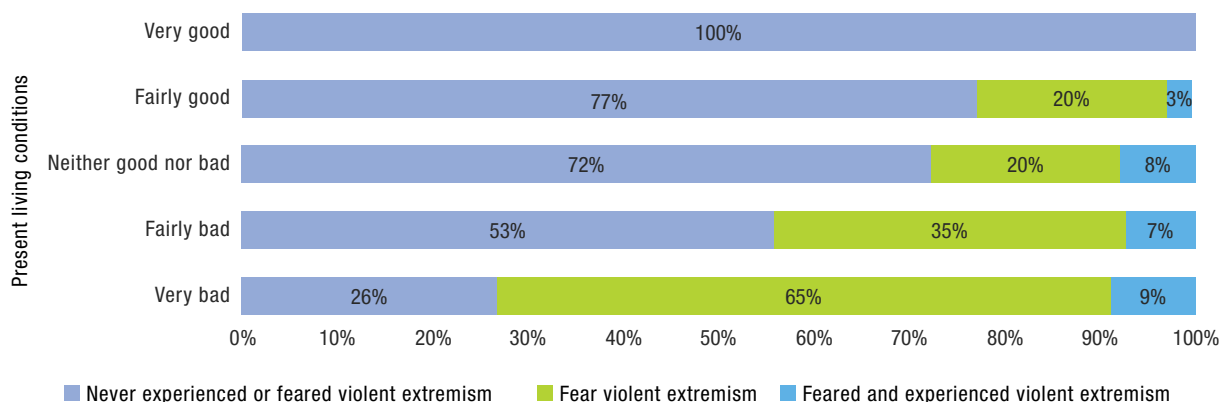
Thus, the link between underdevelopment and fear of violent extremism can be made by looking at both the state of human development in the region – like poverty and

education – and at who is most affected, through fear or experience, by violence from extremists.

While there is much that can be said about the activities of al-Shabaab, this paper will focus on challenges that women in the area are confronted with. This region, in particular, lags behind when it comes to the empowerment of women and requires intersectional policies to address issues both old and new (as discussed in Section 2). Figure 12 shows the five most important problems reported by women in the area. The emphasis on food insecurity and poverty highlights the extent of material deprivation, while problems with water supply and education show a lack of meaningful development provided by the state. It is also important to note that crime and security feature in the top five, out of a list of 22 options.

An academic with an interest in gender studies postulates that many policies fail to account for 'intersectional challenges that women face', and notes three particular

FIGURE 11: Fear and experiences of violent extremism in Kenya's North-East region

Present living conditions	Never experienced or feared violent extremism	Fear violent extremism	Feared and experienced violent extremism
Very good	100%		
Fairly good	77%	20%	3%
Neither good nor bad	72%	20%	8%
Fairly bad	53%	35%	7%
Very bad	26%	65%	9%

Legend: ■ Never experienced or feared violent extremism ■ Fear violent extremism ■ Feared and experienced violent extremism

Source: Afrobarometer, 2018

FIGURE 12: Issues of most importance to women in North-East Kenya

- Water supply
- Food shortage or famine
- Poverty
- Education
- Crime and security
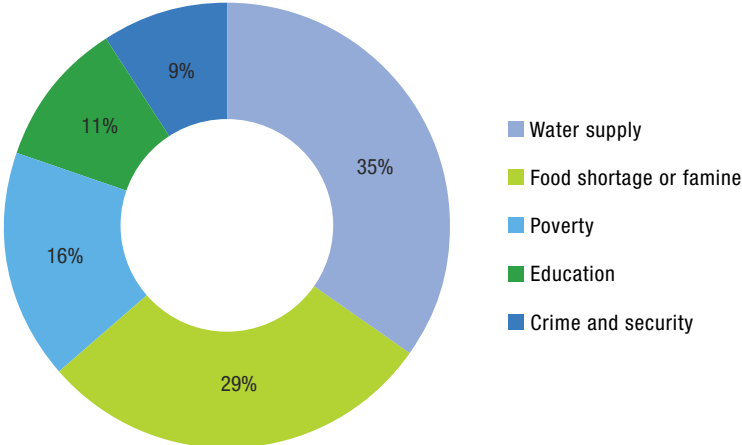
Source: Afrobarometer, 2017

challenges experienced by Muslim women in the North-east. First, it is noted that, in these regions, 'there is unequal access between men and women to certain resources such as healthcare'. Second, climate change has created water scarcity, and, consequently, women living in the arid lands 'travel long distances to fetch water in harsh conditions'. Third, as grazing land and water are depleted, loss of livestock becomes more common and ultimately results in 'families marrying off their daughters to get the dowry in the form of livestock as a means of surviving the hard economic times'. This practice is carried out

despite concerns regarding its legality. Further, it serves to highlight the growing material desperation experienced by communities in the region as well as its unequal impact on women and girls.[91]

Climate change is a common thread running through the challenges noted above. The same academic asserts that the situation is unlikely to improve without interventions underpinned by an intersectional gender and climate policy. Figure 13 shows the extent to which women in this region have heard about climate change. Women in Wajir are most

FIGURE 13: Climate change awareness among women in the North-East region
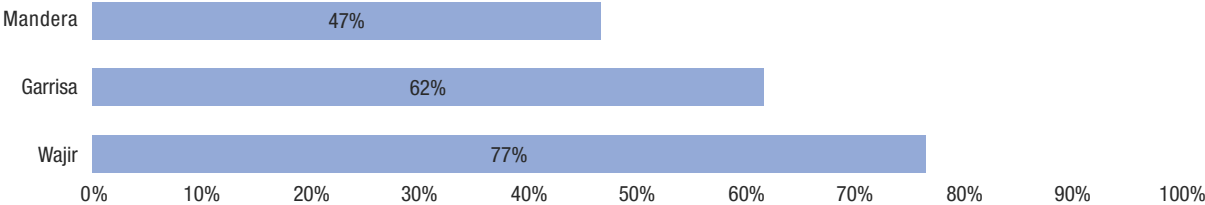
Source: Afrobarometer, 2019

likely to have heard about climate change (77%), followed by women in Garrisa (62%) and only about half (47%) in Mandera. While this helps us to understand the extent to which women have heard of climate change, it does not result in any certainty concerning the depth of their knowledge. Climate change awareness ought to be not only more widespread in an area facing water shortages and famine, but awareness programmes should also be designed to address the

unique challenges of this region so that, when faced with growing scarcity, well-informed and sustainably crafted home-grown solutions can take root.

A recent and positive development for women is their involvement in projects relating to climate change mitigation, including support for new technologies such as solar and hydro energy as well as innovative and sustainable farming practices.[92]

4

SYNTHESIS: A PATHWAY TO INCLUSIVE GROWTH AND SECURITY IN KENYA

Although Kenya has made important gains in economic growth, these gains have for the greater part not translated into meaningful development gains for its most marginalised. Massive disparities between rich and poor underscore the country's failure to devise an inclusive growth model. Ineffective state institutions characterised by ethnic patronage, rent-seeking and other forms of unchecked corruption have hobbled efforts to alter patterns of economic distribution. As a result, public wealth has not been prudently managed or equitably distributed, with several opportunities to lay the foundation for human development having been missed. Although productive sectors such as agriculture have played an important role in social development and in thus alleviating national poverty, these sectors remain susceptible to patron–client and distributive politics and to climate shocks. This emphasises the need for advancing individual agency as a central imperative for sustainable, inclusive growth and development.

The unequal nature of society, as well as the state's inability to enforce its authority, has created alterative centres of power that have resulted in the proliferation of violence. Political violence (often related to elections) emerging from slums such as Kibera, violent-extremism hotspots in the North-East region, and pastoral-community conflicts in North-West Kenya highlight the important nexus between inclusive development and peace (or the lack thereof). The drivers of these conflicts can be traced to the political and economic marginalisation of communities and regions, as well as a weak state that has neglected to govern certain spaces.

> Drivers of these conflicts can be traced to the political and economic marginalisation of communities and regions

On occasion, these voids are being filled by isolated pockets of efficiency within the state (when pushed hard to act) collaborating with vibrant CSOs and the international community. Together, they have been integral in providing human-development aid,

expertise and administration. In recent years, political elites have sought to undermine non-state actors in view of the threats they pose to patronage systems, thereby effectively jeopardising important sources of human development. In the light of this, it will be important for Kenya's growing private sector and CSOs to pursue impact-driven relationships in order to enhance the important work done by these two groups of non-state actors.

A major cornerstone of the 2010 Constitution is the devolution process. This refers to a system of devolved governance to 47 county governments which are then responsible for operational functions such as healthcare, education, and transport infrastructure. The values of devolution are underpinned by a particular commitment to progress the inclusive development of marginalised communities, especially through the more equitable distribution of resources. This paper has taken stock of recent developments in three different communities that are socially, economically and sometimes even politically marginalised. It has sought to provide a sample of typical Kenyan contexts that are instructive in terms of understanding the relationship with human development and peacebuilding in the country. It concludes that continued marginalisation and the inequitable distribution of resources have perpetuated tensions and violent conflict within these communities.

In particular, residents of Kibera, Africa's largest slum, experience high levels of violence related to gangs, election cycles, and ethnic tensions. Overseeing this complex conflict system is weak state security

that has shown little capacity to prevent escalation. Extreme population density, material deprivation, and deplorable living conditions have exposed Kibera's population to exploitation by violent groups and manipulative political actors – both of which thrive on the material desperation. These fault lines have been exacerbated by the spread of COVID-19 as well as by restrictions of movement put in place to prevent its spread.

Continued marginalisation and the inequitable distribution of resources have perpetuated tensions and violent conflict

The trend of migration out of Kibera risks spreading violence as instigators of violence, including the people (or groups of people) under the influence of political actors, relocate to other counties in search of economic survival. It is not yet clear what impact these internal migrations will have on medium- to long-run stability in Kenya, but it remains a concern that election-related violence might become more widespread as more people move from Kibera to rural areas or other urban centres. Without meaningful development and improvements to security-sector reform, residents of Kibera will remain open to capture by ill-meaning actors.

Kenya's historically marginalised pastoralist communities continue to endure neglect by the state. These communities are characterised by low levels of human development. Consequently, education levels in these communities are very low. Intercepting these realities is the changing

climate and growing scarcity, which have forced pastoralists to adapt their methods of survival. This has resulted in an upward trend of violent conflicts related to water, grazing land, and the material importance of livestock. As light arms become more accessible, armed conflicts threaten to intensify the severity of disputes and the number of fatalities. These outbreaks increase in election years, once again bringing to the fore the concern that more widespread pockets of election violence will occur in 2022.

Without a focus on human-centred interventions, the destabilising threat of the conflict system will continue to undermine national and regional peace

As poor policy implementation continues to dictate the provision of law enforcement in the region, the quality of state security remains insufficient. Pastoralists often engage in cross-border raids and obtain light arms using porous borders. Previous initiatives to prevent the spread of light arms, such as those by the Eastern Africa Police Chiefs Cooperation Organization and the Mifugo Programme, have failed. It is important that research be undertaken to understand the reasons for such failure so that a more sustainable solution can be crafted.

In this region, the state, as the main provider of development, has prioritised infrastructure projects, such as an airport and a highway, that ignore the needs of pastoralists. Moreover, some of these projects encroach

on pastoralist grazing land. Ultimately, therefore, such state-led development projects unintendedly create friction between local communities and the state.

There has not been meaningful consultation with communities by the state as to what their main needs and priorities are. When it comes to the sort of development pastoralists perceive as necessary for their advancement, a local researcher found that schools and health clinics are at the top of their priority list.

Promoting human development is important in building the basic capabilities of pastoralists. Education and skills development are essential for inclusive development, helping to ease competition for unskilled jobs in industries (such as the oil industry) that are expanding into the northern parts of Kenya. Without a focus on human-centred interventions, the destabilising threat of the conflict system will continue to undermine national and regional peace.

When it comes to the economic marginalisation of women, it is particularly imperative that policymakers apply an intersectional lens. This is especially relevant to women in Kenya's North-East region where climate change and economic downturns are showing signs of disproportionately affecting them. For instance, women must travel further and in harsher conditions to obtain water for their households. In addition, women and girls have less access to healthcare, while material desperation is forcing families to sell their young girls into marriages in exchange for a dowry. Climate-sensitive solutions for women in the region are therefore imperative in preventing further marginalisation and

harm. Climate-education programmes in areas like Mandera ought to be considered as an important step towards reducing vulnerabilities.

Human-development deficits have exposed marginalised communities to forms of material desperation that work to drive conflict systems

Ultimately, human-development deficits have exposed marginalised communities to forms of material desperation that work to drive conflict systems. Without meaningful and far-reaching investment that progresses the basic capabilities of society, vulnerability to capture by the political elite remains a considerable threat to stability. Without inclusive consultation with communities, development projects risk further alienating marginalised communities, ultimately compounding their grievances with the state. Furthermore, without intersectional policy considerations, shocks like the climate crisis and economic downturns risk further diminishing the agency of women. At the heart of these considerations is the importance of upholding equity, one of the core values espoused in the Kenyan Constitution.

RECOMMENDATIONS

For the Government of the Republic of Kenya

1. **Eliminate the various sources of inefficiency within its administrative arm at all levels of government.** In doing so, it should prioritise integrated budget planning, effective monitoring and evaluation processes, transparent, merit-based recruitment procedures, and robust, outcomes-based performance evaluation. This will help ensure that economic-growth and social-development programmes are implemented with technical know-how and greater transparency so as to achieve more equal gains across the country and within vulnerable groups.

2. **Prioritise expenditure that creates agency at the community level.** The government should target its funding at outcomes that are sustainable by assisting communities to adapt and thrive in all circumstances. It is therefore imperative that the CRA upholds the values of devolution, which include fairness and equity, by developing

strategies that are based on socio-economic need rather than population size or political affiliation.

3. **Strengthen the rule of law in underserviced communities.** In settlements such as Kibera, the government must take more responsibility for the establishment of law and order. This should form part of a two-pronged approach which consists, first, of improved enforcement capacity that includes community policing, and, second, employment creation as a disincentive to committing crimes for survivalist reasons.

4. **Prioritise bottom-up consultation in order to address community-development needs and so reduce the potential for conflict.** This is especially needed in the North-West and North-East regions of Kenya where pastoralists are growing increasingly hostile towards state-led development that is not beneficial to communities and is sometimes even harmful. Accordingly, research should precede policy, and

local benefits should be assessed against broader international benefits.

5. **Enhance cross-border collaboration to ensure regional stability.** This is particularly important when it comes to cooperation with Ugandan authorities on issues such as the spread of small arms. Previous initiatives such as those by the Eastern Africa Police Chiefs Cooperation Organization as well as the Mifugo Programme proved unsuccessful in limiting such spread. Consequently, the reasons for this failure need to be determined so that renewed, sustainable cooperation can take hold.

6. **Apply an intersectional lens when it comes to economic marginalisation, particularly as it relates to the position of women.** This has special relevance for climate-sensitive developmental approaches that have an impact on food insecurity. CSOs and local communities must be consulted to prevent further harm.

For civil society

7. **Enhance grassroots research in order to understand the nuanced contextual needs for effecting inclusive development.** This is particularly the case in respect of neglected areas, such as marginalised populations in the slums, women, the youth, and pastoralist communities in the ASAL. Such research needs to focus in more depth on systemic approaches to education, health, access to resources to protect livelihoods, and agricultural matters,

such as grazing and clean water. It is imperative that research precede policy. CSOs should collaborate with research institutions in producing cutting-edge research that informs policy.

8. **Build capacity and upskill people from marginalised communities.** This will be necessary to reduce competition in the unskilled labour market, especially as light arms continue to spread among communities facing growing scarcity. It includes anticipating the expansion of industry, such as the oil industry, into areas that are home to marginalised communities. Ensuring the advancement of basic capabilities for these communities can help de-escalate tensions born through competition in contexts where livelihoods are at stake, while also increasing the opportunity cost of participating in violence.

9. **Build CSO partnerships with the private sector.** This is a potential avenue for overcoming efforts to stifle civil society and NGO operations. Enhanced collaboration between civil society and the private sector can help advance work that supports human development. Through programmes borne by corporate social responsibility, collaboration can capacitate NGOs, which are a significant provider of human development. In addition, through collaborative advocacy aimed at the CRA, a unified voice calling for distribution based on socio-economic need (instead of political persuasion) can help ensure that resources reach marginalised communities.

10. **Prioritise a better understanding of how devolution and economic downturns impact internal migration, social cohesion and political violence.** This will be of particular importance in anticipation of the next Kenyan general election. As violent instigators migrate out of slums like Kibera, they take with them violent attitudes and can be mobilised by politicians come the next election. This risks creating new pockets of violence in Kenya's 2022 election.

The present paper has demonstrated that Kenya has made important progress in forging human-development frameworks and policies. However, implementation and a lack of intersectionality are obstacles to equitable progress. Through a greater effort to ensure more equitable and inclusive development and the advancement of the basic capabilities of society, root causes such as inequality and scarcity will not only improve the material lives of Kenyans, but also relieve some of the causes that deplete social capital, ultimately threatening social cohesion and peace. This cannot be achieved without support from a committed and fair government that is unwavering in its commitment to deliver equitable progress to Kenyans.

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