Original Article

The Dynamics of Ethnic Conflicts and Problems of National Cohesion and Integration in Kenya 1963-2018

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ABSTRACT

Kenya like many of the African states is a multiethnic nation. Conflict always arises as a result of the unequal distribution of national resources among ethnic communities. While ethnicity has featured prominently in most studies on Kenya, the majority of them have used ethnicity to explain conflicts and political trends in the country. Very few studies have, however, focused on the efforts to promote national cohesion and integration in Kenya. The study argued that the challenge of identity in Kenya had been exacerbated by failure in nation-building and the creation of a national identity. This paper seeks to unearth how ethnic conflict in Kenya has impeded national cohesion and integration. In order to adequately answer the above subject under the study, the researcher will be led by this objective; to find out the extent to which dynamics of ethnic conflict have impeded national cohesion and integration in Kenya from 1963 to 2007. In order to adequately answer this objective, the study adopted a qualitative approach by critically analysing the available literature on the subject matter to reach a logical conclusion. The paper found that since its independence in 1963, Ethnic conflicts have been perfected and formed patronage that has been to the detriment of Kenya's nationhood. The paper concludes that unless there is political goodwill to reframe socioeconomic policies that would in turn lead to equitable distribution of national resources among all ethnic groups and tame human nature through instilling national ethos, the initiatives for national cohesion and integration will be in vain.

INTRODUCTION

To integrate means to assemble together with the sole intention of enhancing good relations and harmonious living among citizens. On the other hand, cohesion means sticking together. It also means having a close union. It involves developing positive synergy among group dynamics within a community[1]. Ethnicity, if well-conceived, is very positive because the aspect of diversity comes out from it and this is shared amongst the people of Kenya. This diversity is not only educative but also enjoyable. Negative ethnicity can only be conceived when we consider other cultures as inferior or when we employ our identity at the expense of others. To understand negative ethnicity, Ngugiwa Thiong'o defines it as "an ideology of defining ourselves with stereotypes that claim more humanity, superiority, brain, beauty and entitlement of us.[2]"

The desire to achieve national cohesion and integration in Kenya is driven by Kenya's aspirations which include being a middle-income country, achieving sustained nationhood and prospects for sustainable development. The objective is anchored on ideological foundations designed to promote democracy and institutions. National unity in Kenya since 1963 is understood to be an ethical value, something worth fighting for as well as preserving[3]. The idea is we are social beings and therefore need to develop a high level of unity, cooperation, teamwork, and collective actions towards intended means. This is the foundation upon which national cohesion and integration is founded.

The paper considers Young's argument that communities are not stagnant or static[4]. They keep on changing in form with time. As Young puts it, ethnic groups' composition and attributes do not exhibit similarities, nor are they fixed in all communities. Attributes such as languages, beliefs, cultural values, territories, and symbols can be similar to one another. On the other hand, the same attributes could be missing in other communities. Therefore, there is an extent to which these attributes can be a defining factor of ethnic communities, and differences can only emerge due to prevailing circumstances.

The European conquest and control of the African continent during the 19th century was described as an episode of dismemberment. Grady Timothy[5], a scholar on European conquest in Africa, described colonisation as a process characterised by brutal unification, which was realised through fire and sword. According to him, ten thousand African tribes were reduced to modern-day 54 countries. This was achieved through the use of force. This created ethnic nationalism across African communities. British rule was characterised by authoritarianism, where the loyalists (Africans) were rewarded while the dissenting voices were punished. The behaviour was inherited by African leaders after the colonial era and exercised upon the attainment of independence. Since then, African leaders have exercised dictatorship. The practice of politics in Africa has been that of rewarding loyalists and castigating the dissents and this impedes national cohesion and integration in many countries of Africa.

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[1] National Cohesion and Integration Training Manual: Ministry of Justice, National Cohesion and Constitutional Affairs. The Government of Kenya. Nov 2011

[2] Wa Thiong'o, Ngugi. "Decolonising the mind." *Diogenes* 46, no. 184 (1998): 101-104.

[3] Love, peace, and unity, 1982–88." Kenya, 2017, 161-182

[4] Young, C. *The Politics of Cultural Pluralism*. London: The University of Wisconsin Press, 1976

[5] Grady, Timothy P. "Contact and Conquest in Africa and the Americas." *The Atlantic World 1450-2000* (2008): 27-47.

Kenya is not left out on the challenges of state building. Some of the threats of state building include socioeconomic exclusion, corruption, disregard for the rule of law and challenges to national cohesion and integration. Ethnic conflict is a matter of concern for national cohesion and integration. Ethnic conflict has played a major role in putting Kenya into a political perspective[6]. Immediately after independence in 1963, Kenya received a negotiated constitution emerging from varied interests. These group interests rose immediately after the British declared Kenya a protectorate in 1885 and later a colony in 1920[7]. The negotiated constitutional framework took place at the Lancaster Conference for several years. It was after this protracted process that two political parties, namely KANU and KADU, emerged.

The aspiration to integrate among Kenyan communities was demonstrated when Sessional Paper No. 10 of 1965, entitled "African Socialism", was adopted. The paper was beneficial in planning for the economic development of Kenya[8]. This was a paper developed by African leaders with the aim of creating new societies different from colonial societies. It took into consideration political equity, social justice, freedom from poverty, exploitation, and diseases, upholding human dignity, provision of equal opportunities for all, and equal distribution of resources and services devoid of race, social injustice, and oppression[9].

The ruling elites implemented Sessional Paper No. 10 of 1965 through a myriad of constitutional amendments first one being the abolition of the Majimbo-devolved system of government adopted at independence in 1964[10]. The amendments were done in a record of one amendment every year. These amendments climaxed with the 19th Amendment Act of 1982, Section 2A of the Constitution, which created a dictatorial one-party system. This amendment was motivated by the selfish political desires of political elites to shun opposition and reinforce themselves by the use of instruments of law. This process ushered in a dictatorial regime centred on imperial precedents. Politically, it is true to say that Sessional Paper No. 10 of 1965 failed since it downgraded the constitution and brought in African elitism, who replaced colonial masters.

In 1992, the parliament of Kenya repealed section 2A of the constitution marking the end of the KANU single-party regime. This was also an attempt to promote democracy, national cohesion, and justice. This constitutional change paved the way for the emergence of multiparty politics[11]. The democratic space created after repealing section 2A led to the proliferation of many political parties, which were not only weak but also poorly institutionalised, thus unable to ascertain and promote democratic governance. This process was attributed to an inadequate legal framework for the registration, operation, funding, and management of these political parties. Other ethnic-related factors which caused division at the time also included economic exclusion, centralisation of power, social issues including land, appointments in government positions as well as representations.

The system of multiparty democracy was anticipated to bring equality in the political arena within the country. Few political elites took advantage and started to spread multiparty ideology to be ethnic polarisation. This was evidenced when political parties were used to manifest the numerical strength of tribal communities. Multiparty politics were transformed into avenues of spreading negative

[6]Ochieng', W. R. *Decolonization and independence in Kenya*. Ohio State University Press. 1995

[7]Gertzel, C. J. *The politics of independent Kenya, 1963-8.* Northwestern University Press. 1970

[8]Emmanuel, C. *Quick reading history and government.* Longhorn Publishers. 2012

[9]Shem, O. Assessment of sessional paper No. 10, 1965 in the context of equity and development in Kenya. (2016) (Accessed from internationalbudget.org.wp-content).

[10] Grillo, Ralph. "The construct of "Africa" in African socialism." *Socialism: ideals, ideologies, and local practice* (1993).

[11]Archer, R. Repealing the law. *Oxford Scholarship Online. 2017*

ethnicity and ethnic conflict. Political alliances were formed with scrupulous political elites with the sole objective of winning elections. As this was taking place, the level of negative ethnicity and ethnic consciousness was consistently and progressively building up. The 1997 polls were a clear manifestation of platforms for hate speech which were ethnically oriented. The end of the election saw violence in various parts of the country including Rift Valley leading to massive loss of life and destruction of property. All of these were a result of negative ethnicity[12].

In 2008, the National Assembly enacted National Cohesion and Integration Act No. 12, which gave rise to the National Cohesion and Integration Commission[13]. This was given presidential assent on 24th December 2008. It came into force on 9th March 2009. This activity was aimed at encouraging national cohesion and integration in Kenya by outlawing discrimination based on ethnicity. It provided ground for the initialisation of the National Cohesion and Integration Commission with full powers and functions. Since then, there has been the existence of NCIC, whose sole mandate is to enhance national unity and enhance policies and processes that promote the eradication of all forms of discrimination devoid of social circle, background, ideological beliefs, race, and diversity. The commission was also mandated to mobilise Kenyans, sensitise, educate, and train them on non-violent methods of conflict resolution and initiative for peacebuilding that promotes human dignity.

The promulgation of the 2010 constitution of Kenya[14] created a vent for a new paradigm for the administration and management of government. In the preamble, the constitution exposes our pride in ethnic, religious, and cultural diversities. The constitution manifests the country's aspirations based on democracy, freedom, equality, human rights, the rule of law and social justice. It is construed in the constitution that principles of governance and national values bring together all state organs, public officers, state officers as well as persons.

The Constitution of Kenya, 2010, explains the sharing of power and resources between the national government and county governments. It also defines political parties as institutions that are important in the promotion of democracy. According to Article 91 of the same constitution, there are specific requirements for political parties as well as principles upon which they are formed. Article 92 offers wider explanations that parliament shall, within its will, enact legislation to include and implement the constitution as well as the principles underlined therein[15].

Scope

The paper covers Kenya as a country. The paper discusses the periods between 1963 to 2018. Kenya is one of the East African countries which borders the Indian Ocean in the South East. Kenya borders countries such as Tanzania, Uganda, Somalia, South Sudan, and Ethiopia. Kenya covers an area of approximately 580,000 Km square[16]. As per the 2019 national census, Kenya has 47 million people. Major languages spoken in Kenya include English and Kiswahili (both official). There also exist numerous indigenous languages in Kenya, including the Luo, Kisii, Luhya, Kikuyu, Maasai etc.

From independence in 1963 up to 1982, Kenya was made a de-facto one-party state[17]. In this period, KANU political party -a ruling party- made itself the sole legal party in Kenya. President Daniel Moi tried to contain pressure which came from all sides, both internal and external sources

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[12] Truth, Justice, and Reconciliation Commission. "TJRC Report (Newspaper Supplement)." (2013).

[13] Rhee, Inbok. "Electoral Security and Legislator Attention: Evidence from the Kenyan National Assembly Debates, 2008-2017." *KDI School of Pub Policy & Management Paper* 19-18 (2019).

[14] Kenya, LAWS OF. *The constitution of Kenya: 2010*. Chief Registrar of the Judiciary, 2013.

[15]*The Constitution of Kenya, 2010: Nairobi, 27th August, 2010.* (2010).

[16]One World Nations Online. "Just a moment..." Just a moment. n.d. https://www.nationsonline.org/oneworld/kenya.htm.

[17] Widner, Jennifer A. *The Rise of a Party-State in Kenya: From Harambee! to Nyayo!* Univ of California Press, 2023.

championing liberation up to late 1991. The pressure exceeded in 1992, leading to repealing of Section 2A of the constitution marking the beginning of the multiparty system. Ethnically fractured opposition did not manage to oust KANU from power in subsequent elections in 1992 and 1997.

The promulgation of the 2010 constitution of Kenya created a vent for a new paradigm for the administration and management of government. It explains the sharing of power and resources between the national government and county governments[18]. This follows the creation of 47 counties, as shown below. Most of the counties were ethnically demarcated, pitting specific communities occupying specific counties.

Figure 1:The Map of Kenya

Source: Geology.com- https://geology.com/world/kenya-satellite-image.shtml

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[18] *The Constitution of Kenya, 2010: Nairobi, 27th August, 2010*. (2010).

METHODOLOGY

The paper adopted a qualitative approach by critically going through the available literature on the subject matter to reach a logical conclusion.

REPORTS AND COMMISSIONS OF INQUIRY

Justice Akiwumi Report (1991)

Justice Akiwumi's report was an investigation into the tribal clashes which took place in Rift Valley. Tribal clashes along the Rift Valley province commenced on 29th October 1991 in a farm called Miteitei located in Tinderet Division in Nandi District. The participants in this violence pitted the Nandi, one of the Kalenjin tribes, against communities of Kamba, Kikuyu, Luo, Kisii, and Luhya. The clashes swiftly spread to other neighbouring farms including Owiro which was historically dominated by the Luo and Kipkelion division of Kericho, dominated by a multiethnic composition of groups of Kikuyu, Kalenjin, and Kisii. Later on, to areas of Olenguruone, Molo, Londiani and other parts of Kericho, Trans-Nzoia, UasinGishu and other areas of Rift Valley[19].

In every violent area, the targeted people were non-Maasai and non-Kalenjin communities. These groups were suddenly attacked, maimed and some injured, their properties looted and destroyed and some killed using weapons such as bows, arrows, Pangas, Swords etc. These attacks were well coordinated and organised. They were under the cover of darkness, and where attacks took place during the day, the attackers could smear their faces to hide their identities. These were aimed against the Kikuyu, Luo, Luhya and Kisii[20].

The attacks were barbaric and aimed at driving away the targeted communities from their farms, cripple their economic activities and psychologically torture and traumatise them. The violence was also aimed at changing the boundaries of communities. The victims were forced to seek refuge in market centres, schools, and churches. Some improvised temporary structures are made of polythene and iron sheets. They experienced starvation as there was no food and water to drink. Their children could not go to school. Generally, there was no concern from the provincial administration and police officers regarding their welfare and security.

Justice Waki Report (2008)

Waki Report, also known as Truth Justice and Reconciliation Commission, was a commission of inquiry on the post-election violence of 2007/08. The responsibility of the commission was to investigate the circumstances and facts surrounding the 2007/08 Post Election Violence (PEV) and the conduct of state security personnel and offer suitable recommendations concerning the matters. According to Waki, post-election violence has been a norm in Kenyan politics since the advent of multiparty politics in 1991, although the violence experienced in 2007 was unprecedented[21]. PEV of 2007/08 was the most destructive and deadly ever experienced in Kenya. It was also the most widespread violence ever experienced in Kenya.

On the side of state security agencies, Waki indicates that the agencies failed institutionally to anticipate, prepare for as well as contain the violence. This is evident as most personnel in the security sector were found guilty of not only committing human rights violations but also committing certain acts of violence on innocent citizens. This process exposed the rotten system of security systems in the country.

According to Waki, Post Election Violence of 2007/08 had the same resemblance to ethnic

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[19] Kenya. Judicial Commission appointed to inquire into tribal clashes in Kenya. (1999). *Report of the judicial commission appointed to inquire into tribal clashes in Kenya: Chairman: The hon. Mr. Justice A.M. Akiwumi.*
[20] Kenya. Judicial Commission appointed to inquire into tribal clashes in Kenya. (1999). *Report of the judicial*

commission appointed to inquire into tribal clashes in Kenya: Chairman: The hon. Mr. Justice A.M. Akiwumi
[21] Truth, Justice, and Reconciliation Commission, "Commissions of Inquiry - CIPEV Report (Waki Report)"(2008) IX. Government Documents and Regulations. 5.

clashes experienced in 1990. It gave clear evidence of the institutionalisation of violence among Kenyan communities over the years. The 1990 ethnic clashes exhibited some armed militias which were mobilised on ethnic extractions. The government failed to demobilise such groups. Business groups and political elites took advantage by reactivating them for violence experienced after the general election.

Waki also identified the personalisation of power in the office of the presidency as a major factor which causes election-related conflict. According to Waki, there are beliefs that a lot of benefits follow ethnic groups associated with the person of the president. This makes various communities exert power to acquire and maintain the position of president. Economic marginalisation and inequalities were viewed in ethno-geographic terms. For instance, Slum areas of Nairobi exhibited PEV mores compared to the rest of the country.

Other Literature on National Cohesion and Integration

Thomas Melady, in his focus on African leaders, writes about the history of inter-communal strife. According to him, the British colonial system guaranteeing white settlers was a continuation of the colonial dominance of Africans and Asians, which birthed racial strife. This racial strife manifested itself on different levels[22]. The first level was European friction with Asians emanating from long periods of historical settlement on Kenyan soil and their success economically, which made them free from colonial domination as well as other grievances, which included bringing an end to racial discrimination, increased representation in the Legislative council, opening up of white highlands to all races to settle and cultivate and relaxing regulations to Indian's immigration. The second level was on the Africans who had been declared subordinate, and the conclusion made

that Africans' main role was to offer free labour, which failure, they would land in problems.

In his attempt to understand national cohesion and citizenship, Donald Rothschild states that by 1920 at the point of the declaration of the East African protectorate, there was already drawn three-tier economic and social structure based on race. The most important sectors of the economy, both public and private sectors, were dominated by the Europeans. The middle level was dominated by Asians who served and provided services as professionals, artisans, clerks, tradesmen, and merchants. Africans occupied the lowest level of the economic and social structure. They formed the largest pool of unskilled labour in factories, farms, and homes. In the process, racial strife intensified as Africans refused to allow other races to continue with their privileged status. Africans also wanted to be guaranteed some privileges and gains, among them economic and political power[23].

He further identified fear emanating from immigrant communities after they realised the intention of the British colony to grant African independence. He notes that this declaration created tension because the declaration of independence to Africans meant the loss of dominance by Europeans and Asians and the gain Africans of racial and national sovereignty. In his conclusion, it was ironic for the British to formulate policies that ensured harmonious and respectful relationships for different races while, on the other hand, British colonial policies did not exhibit any basis of integration of all people into one society[24].

In her quest to know how the British colonial government made attempts to solve inter-community feuds just immediately after the adoption of the Devonshire white paper of 1923, Elizabeth Hopkins noted that it was the prioritising of the African interest in the Devonshire white paper of 1923 which created

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[22]Melady, T. P., &Melady, M. B. *Ten African heroes: The sweep of independence in Black Africa*. Orbis Books. 2011
[23]Donald, R. *Citizenship and National Cohesion*: The North African Crisis in Kenya state: 1920

[24] Donald, R. *Citizenship and National Cohesion*: The North African Crisis in Kenya state: 1920

vent for the formation of East African Commission which produced a report published in 1925. This report did not only thwart the paramountcy of African interest but also viewed British trusteeship as a responsibility of agreements done in three parts which accelerated the development of immigrant communities and natives. According to Elizabeth, the next white paper done in 1927 transferred more power to the British Colonial powers since it guaranteed European immigrants a share plus exercise of colonial authority.[25]

In his work on the politics of decolonisation, Gary Wasserman recognised the land question as one of the key concerns during decolonisation in Kenya. European control of the "Lost Lan" precipitated uprisings, delegations, and petitions, as well as the formation of organisations. He notes that African independence and African domination were matters which were long concluded during the first house conference in Lancaster[26]. He also noted the issue of land, which could derail the process of independence because the issue of white highlands remained a stumbling block to an orderly transition putting in mind that they contained the future of European farmers.

Wasserman also observed that the European's main focus after the first house conference in Lancaster was to prescribe land Tittles and land values. According to him, Europeans had put in measures and tricks to ensure their interests were catered for during the processes of negotiations and from his observation, they achieved this through structured strategies and objectives. Some of the tactics they employed included diving African opinions through penetration, using administrative positions to control political initiatives, privatising conflicts, and employing constitutional advancements for economic agreements.

In their quest to understand political changes and public law in Kenya, Patrick McAuslan and Yash Ghai clarified that in areas that exhibited racial and ethnic inequalities, the hope for independence posed a great factor for potential conflict. This as they explained was brought about by different groups and communities competing for political power. Minority groups and communities in such instances will always feel vulnerable and far from achieving political power. This situation is frequent in unitary systems of government as was observed during the KANU regime. Minorities in this situation will always agitate for protection and other rights, including secession as well as galvanising certain basics of administration from political power[27].

From their observations, colonial governments took advantage of the grievances raised by minorities to exercise their political game. This ushered in a complicated and unsustainable constitution once the imperial authority left power. McAuslan and Ghai observe that various constitutional amendments after the attainment of independence were intended to increase the powers of the executive, limiting the power and status of various institutions mandated to keep the executive in check and removing all legal safeguards on how much power is exercised by it. This defines the position taken by interest groups in negotiating for Kenya's independence.

In their study of the election of then-president Jomo Kenyatta, Carl Rosberg and George Bennett made a clear observation on key political players who surfaced immediately British government declared its intention for Kenya about KANU and Jomo Kenyatta playing a dominant role. According to them, the merger of KANU and KADU after the general election of 1961 and KANU's relegation of leaders to the other side of the opposition ignited doubt among Kenyan communities about their future[28].

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[25]Elizabeth, H. *Racial minorities in British East Africa*.Cambridge University Press. 2009
[26]Wasserman, G. Politics of Decolonization: Kenya European and the Land. Cambridge University Press. 2009

[27]Ghai, Y. P., McAuslan, J.P., &McAuslan P. Public Law and Political Change in Kenya; A study of the Legal Framework of government from Colonial Times to the present. 1970.
[28]Bennet, G. *The Kenyatta* Election: Kenya 1960-1961 (With plates, including portraits, and maps) 1961

According to them, Mr Kenyatta, to Africans, was not only a paramount leader but also an embodiment of Kenya's nationalism[29]. Therefore, Mr Kenyatta was a perfect person to offer desired national cohesion and integration for the underlying actions towards the future of Kenya. It was based on this perception that the spirit of nationhood developed and strengthened.

In his study on Kenyan political actors, David Goldsworthy emphasised Tom Mboya's role in orienting ideologies of key political players, him being recognised as the leader of KANU moderates who raised questions on Kenya's economic policies. That which is important was his role as a jack of all trades to Kenyatta's regime. Tom Mboya was the architect of Kenyatta's KANU regime. He formulated the manifestos for KANU and also, and he was not only in charge of Kenya's constitution but also the architect of Kenya's development strategy[30].

Daniel Branch, in his attempt to distinguish between hope and despair, highlights the frustrations which embedded Kenyans immediately after independence. He explains that then-President Kenyatta and opposition leader Oginga Odinga represented two antagonising views, each of which exhibited a different version of what development means. This, therefore, surfaced different aspirations of Africans. According to Daniel, President Kenyatta held the view that development was an individual hard work and personal endeavours while Oginga Odinga, on the other side, perceived development through the lens of re-allocation of available resources for the interest of paupers in the society. To Odinga, this meant the redistribution of European-owned land to peasants and landless[31].

According to Kisaka & Nyadera, in their Journal of social policy conference, the prominent legacy which is persistent in Africa-Kenya, including- in the post-colonial-era, is an ethnic division which surfaces itself as both mobilising agents in the quest for political and economic power, a group's identity. According to them, this complex process of class configuration and groupings was initiated by colonialists in their quest to manage colonial societies and manage sophisticated capitalist colonial societies[32].

Ethnic conflict in Kenya as well as ethnic consciousness, can be connected to the European colonial system of setting up administrative borders and establishing local governments which were based on cultural orientation and languages. This was premised on the wrong understanding of Africans by colonialists that Africans were organised through ethnic lines across the continent[33].

Kenya, in 1964, just like any other country in Africa, gained its status as a republic, and it was a product of European machinations. According to Rosenberg, the Berlin conference of 1884-1885 set a clear start for the scramble and partition of the African continent into small territories, which would later be put under the European colonial power for administration. It was for the first time these African societies (tribal nations), which exhibited varied political, social, economic, and cultural aspects, were put under demarcated territory. Like any other country, Kenya came to be through the said process[34].

According to Ogot, one of the critiques of the Berlin Conference, which led to the demarcation of the African continent along tribal lines, thus creating multiethnic states in the African continent, states that there was a lack of consultation and involvement of Africans on who they would be merged with. This had tremendous negative consequences on African societies as

[29] Bennet, G. *The Kenyatta* Election: Kenya 1960-1961 (With plates, including portraits, and maps) 1961

[30] Goldsworthy, D. Mboya, Tom. *African American Studies Center*. 2011

[31] Branch, D. *Kenya: Between hope and despair, 1963-2011*. Yale University Press. 2011

[32] Kisaka, M.O., & Nyadera, I.N. Ethnicity and Politics in Kenya. Turbulent path to democracy and development. Journal of Social policy conference. 2019

[33] Kisaka, M.O., &Nyadera, I.N. Ethnicity and Politics in Kenya. Turbulent path to democracy and development. Journal of Social policy conference. 2019

[34] Rosenberg, M. Berlin Conference of 1884-1885 to divide Africa. South African History Online Geography. 2004

each group did not get along with the ones they were merged with[35].

As Middleton describes, negative consequences did not erupt immediately as a result of merging ethnic groups. This merger was aimed at forming distinct countries. Ironically, it was these different ethnic societies created by colonialists who emerged and collaborated to oust the European administration and, thus, the liberation of Africans. Forty independent ethnic groups were present at the establishment of Kenya, and all these were put under the custody of the British Crown Colony by Europeans. This was previously administered by then Governor Sir William Mackinnon and subsequent administrators appointed by the queen of England to take charge[36].

The fact is, ethnic groups controlled by Sir William Mackinnon exhibited ethnic strife but did not pose a challenge to the newly established Nation-State. To this point, it can be agreed that conflict cannot be brought about solely by cultural differences, and cultural homogeneity cannot be a factor in political stability. The politicisation of ethnicity is the major factor attributed to the ethnic clashes in 1992 and the eventual post-election violence of the year 2007/2008. This factor was later passed on to African political leaders who took little consideration to inculcating national culture and national cohesion and integration at the expense of serving the interests of individuals. The weight of ethnic strife plus tribal politics was eventually inherited by contemporary leaders who failed to inculcate the spirit of nationhood and nation-building[37].

According to Kisaka & Nyadera, there was a clear division between majority and minority ethnic communities on the eve of independence[38]. The Nation-State by then was characterised by race, multiethnic and religious identity. To respond to this, the government embarked on various projects. President Jomo Kenyatta, later Daniel Moi, initiated a plethora of initiatives to unite the country.

One of the remarkable things to happen as a result of this was the formation of a single-party system. According to Kenyatta, the multiparty system was a threat to national unity because of the proliferation of numerous ethnic-based political parties. According to Melady[39], Kenyatta, therefore, resolved to dissolve all political opposition parties, and KANU remained the only political party in Kenya. English and Kiswahili were promoted as official languages for communication to thwart the elevation of single tribal languages. According to Ochieng and Ogot[40], this led to the standardisation of the system of education in Kenya.

The attempt to unite Kenya was thwarted when Kenyatta and other factions of politicians obstructed the process of separation of power between the three arms of government, which include the Judiciary, executive, and legislature. They weakened the Judiciary and legislature through the introduction of the imperial presidency. According to Ochieng & Ogot, most political elites who dominated both economic and political spheres came from the Kikuyu community from which the president hailed. According to Himbara, political power was exercised in a manner by which it was difficult to differentiate between ethnic groupings known as the Gikuyu, Embu, Meru, Association, and the

[35]Ogot, B.A., Boundary changes and the invention of "Tribes) Ogot, B.A and Ochieng, W.R The making of a nation. Maseno Institute of Research and Postgraduate studies. 2000

[36] Kasfir, N. The Shrinking Political Arena: Participation and Ethnicity in African Politics with a case study of Uganda. Berkely: University if California press. 1976

[37]Kasfir, N. The Shrinking Political Arena: Participation and Ethnicity in African Politics with a case study of Uganda. Berkely: University if California press. 1976

[38]Kisaka, M.O., &Nyadera, I.N. Ethnicity and Politics in Kenya. Turbulent path to democracy and development. Journal of Social policy conference. 2019

[39] Melady, T. P., &Melady, M. B. Ten African heroes: The sweep of independence in Black Africa. Orbis Books. 2011

[40] Ogot, B.A, &Ochieng, W.R. Decolonization and Independence in Kenya 1940-1993. Ohio State University Press. 1995

ruling party. Himbara explains that KANU and GEMA were joined together at the hip[41].

In 1978 when President Kenyatta died, Daniel Arap Moi took over by virtue of being the vice president of the departed president. Daniel Moi comes up with the Nyayo philosophy in an attempt to unite the country. This yielded very little as far as nation-building was concerned since he continued to employ the same machinations as his predecessor. Daniel Moi engaged in a populist style of politics to consolidate power and strengthen his political base, which he viewed as under threat from the GEMA nation. Daniel Moi hailed from the larger Kalenjin community. The Nyayo philosophy, which was founded on Peace, Love, and Unity, turned to become a threat to ethnic groups as well as individuals who appeared to have dissenting opinions. This reduced President Moi to a character who was addicted to power, a dictator, a person who muzzled dissenters and promoted political assassination[42].

According to McOnyango, inter-ethnic conflict in Africa is not brought about by the mere fact that national boundaries and the continent are brackets encompassing ethnic groups. According to him, the aspect of conflict and ethnic conflict arises as a result of ethnic grudges. He identifies past ethnic conflict elimination strategies that have laid focused so much on symptoms of the consequences but failed to focus on immediate causes. He further asserts that there are major social, economic, and political grudges within and between various ethnic communities in different parts of African states[43].

Amutabi, in his book, warns us from perceiving ethnicity as a scourge of the African continent only. According to him, ethnicity is only a Eurocentric view of the African lifestyle[44]. He urges us to move away from this state of hopelessness and despair and put positive steps toward more advanced solutions, such as advancing the existing positive ethnic structures. According to Goertzel[45], it is the basic responsibility of political leaders to bring different ethnic groups of society together, devoid of their race, social status, and political, economic, and religious lines, into a common national unity.

Just like Amutabi, Goertzel holds the view that it would be meaningless to rely on politicians too much to eliminate ethnic tension as this is their main source of survival. Up to this point, it is high time we join Nigerian writer Achebe Chinua in asking the question, "Where did the rain start beating us[46]"apart from carrying over spilt milk. From our own experience in Kenya, ethnicity tends to create a culture that is always incompatible with human resource capacity.

According to Wamwere, the land is a major cause of ethnic conflict in Kenya[47]. It can be both a short-term and long-term cause. For a long term in the country's history, issues of land have been both political and economic thorny issues. Scholars like Himbara[48] have made attempts to explain why Landforms are the basic source of ethnic and political conflict in Kenya. The land has its historical significance from historical times when the Europeans wanted to convert various parts of Africa into a white man's country. It is contained in history that Europeans established the Kenya protectorate and later crown colony with the money which was to be obtained from the white settler plantations, which covered the better part of high potential areas of the country. This led

[41]Ogot, B.A, &Ochieng, W.R. Decolonization and Independence in Kenya 1940-1993. Ohio State University Press. 1995

[42] Ogot, B.A, &Ochieng, W.R. Decolonization and Independence in Kenya 1940-1993. Ohio State University Press. 1995

[43]Owen McOnyango. The Jews, the Gentiles, and the Grudges. UNESCO Seminar paper 28-31st May 1995

[44]Amutabi, N. Maurice, Challenging Orthodoxies. The role of ethnicity and regional nationalism in leadership and democracy in Africa. UNESCO seminar paper 28-31st 1995.

[45] Gertzel, C. J. The politics of independent Kenya, 1963-8. Northwestern University Press. 1970

[46] Amutabi, N. Maurice, Challenging Orthodoxies. The role of ethnicity and regional nationalism in leadership and democracy in Africa. UNESCO seminar paper 28-31st 1995.

[47] Wamwere, K.W Negative ethnicity; From bias to genocide. Seven stories press. 2003

[48] Himbara, D. Kenya Capitalists: The State and Development. Nairobi. East African Educational Publishers. 1994

to massive alienation of large tracks of land from Africans, making some landless[49].

As a result of massive land alienation, which took place in colonial times, many African populations who practised cultivation were pushed into infertile native reserves, which were not conducive to arable farming. The displaced population acted as casual workers, farm labourers, tenants, and squatters. The processes of land alienation were also extended to communities that practised pastoralism, like the Samburu, Maasai, Kalenjin, Pokot, and Nandi communities. Just like their agricultural counterparts, pastoralist was also pushed to un-conducive reserves[50].

DISCUSSION

National Unity (nationalism) is a philosophy and a movement that believes in a nation that is congruent with the state. As a philosophy, it intends to promote and protect the interest of a particular nation (as in a group of people), with the sole objective of attaining and maintaining the sovereignty of a nation (self-governance) on its homeland and creating a nation-state. It holds that each nation should develop self-determination, that a nation is an ideal basis for an organisational structure of the government of a state, and that a nation is the only legal source of political power[51]. It aims at achieving solve objective of maintaining a single nation's identity, which is an amalgamation of social characteristics of ethnicity, geographical location, culture, language, politics, traditions, religions and beliefs in a shared single history, and promotion of national cohesion and solidarity.

The United States of America is one of the countries in the world which exhibits a culturally diverse population. Civil wars marked the epitome of division, which derailed attempts at unification that were intended by the original revolution. Devoid of many challenges, the country has always come together to celebrate the nation's birthday during Independence Day[52]. This is truly fitting since, from the beginning, the founders of the USA always warned that strength can only be achieved through the unity of the country. George Washington, the founding father of the USA, once said the bosom of America' was free for all, but only for the willing individuals to be assimilated to their culture, customs, measures, and laws; in other words, the people who were soon to become the people of the United States of America. Alexander Hamilton, on the other hand, stated the future of the nation would be based upon its citizen's love of a country that disregards foreign bias.

Theodore Roosevelt[53], former president of the USA, also stated that "the only sure way of bringing America down is through permitting it to be tangled by squabbling nationalities, each insisting on its own identity". Wilson Woodrow[54], one of the passionate presidents about American unity, supported Roosevelt's idea through his famous statement you cannot become a thorough American if you think of yourselves in the groups. America is not made up of groups; therefore, any person who thinks of himself as belonging to a particular national group is not worth being regarded as an America'.

Three decades ago, the USA experienced a population turnover of a gigantic proportion across its cities and metropolitans. According to the statistics, its greatest population has been replaced entirely within one generation[55]. Although previously most US cities have been multiethnic for a long time since the initial growth

[49]Wamwere, K.W Negative ethnicity; From bias to genocide. Seven stories press. 2003

[50]Himbara, D. Kenya Capitalists: The State and Development. Nairobi. East African Educational Publishers. 1994

[51] Rosenberg, M. (2004). Berlin Conference of 1884-1885 to divide Africa. South African

[52] Taggart, P. (2018). Populism and 'unpolitics'. In Populism and the Crisis of Democracy (pp. 79-87). Routledge

[53] Taggart, P. (2018). Populism and 'unpolitics'. In Populism and the Crisis of Democracy (pp. 79-87). Routledge

[54] Taggart, P. (2018). Populism and 'unpolitics'. In Populism and the Crisis of Democracy (pp. 79-87). Routledge

[55] Ajulu, R. Politicised ethnicity, competitive politics, and conflict in Kenya: A historical perspective. *African Studies*, *61*(2), 251-268. (2002)

in the 19th century, the phenomenon that the previous ethnic majority group is currently becoming just one more minority is relatively fresh in modern Europe. South African-officially, the Republic of South Africa, is one of the African countries which were disintegrated along the ethnic line during the apartheid period. Three-fourths of the population in South Africa is black Africans and they include Sotho, Zulu, Xhosa, and Tswana. Almost all the remaining population are of European or mixed or persons of South Asian descent. The languages spoken in the country include English, Afrikaans, Ndebele, Pedi, Sotho, Swati, Tswana, Pedi, Xhosa, Zulu, Tsonga[56], etc.

Religious diversity is also present in South Africa, including Christianity, Islam, Hinduism, and other traditional beliefs. Throughout the entire 20th Century, South African politics were dominated by the question of maintaining the supremacy of white domination over the majority of blacks, and it is upon this that in 1948, South Africa instituted apartheid policy[57]. This policy faced worldwide condemnation, and it began dismantling itself and its laws in the year 1990. In 1994, the country went to a free election, and Nelson Madiba Mandela became the first black African president of South Africa. In 1997, a permanent non-racial constitution was promulgated, and this ushered in a new paradigm of leadership devoid of race or gender.

Since the onset of the new democratic dispensation in 1994, the country has made a stride forward toward achieving NCI. Former Nobel Peace laureate Archbishop Desmond Tutu coined the metaphor' Rainbow nation which became the symbol of peace and reconciliation among the population, which was diverse and had experienced a long-standing history of conflict and strife[58]. The Rainbow metaphor signified an image of varied ethnic, racial, and cultural groups unified and living in harmony. Since then, the Rainbow has been used in South Africa as a symbol of national unity among the populations of diversity. Besides the Rainbow metaphor, other aspects significant to national unity were intercepted in the post-apartheid era. These symbols of the new dispensation include the national flag and national anthem, which have become ubiquitous at national and international events reflecting expectations of national unity and common identity for South Africans across the country.

Kenya is among African countries which have made strides towards achieving national unity. Kenya adopted the National Cohesion and Integration Act No. 12 of 2008. This act created a statutory body called National Cohesion and Integration Commission. The creation of NCIC recognised the need for a national institution responsible for enhancing national identity and values, eradicating ethnopolitical competition and ethnic-related conflict, mitigating discrimination based on race, religious and ethnic basis as well as promoting national reconciliation and healing. The commission is guided by the sole objective, which is to attain peaceful, united, harmonious, and integrated Kenyan societies[59].

National Cohesion and Integration Commission are mandated to facilitate and ensure equality of opportunities, and peaceful existence between persons of different ethnic and racial communities, promote harmony and good relations as well as advise the government on all aspects thereof. In short, NCIC exists to enhance national unity across the country. To actualise this, the NCIC promotes and facilitates all the processes and policies that work towards the elimination of all forms of discrimination devoid

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[56] Moodley, Kogila, and Heribert Adam. "Race and nation in post-apartheid South Africa." *Current Sociology* 48, no. 3 (2000): 51-69.

[57] Brown, S., & Sriram, C. L. (2012). The big fish will not fry themselves: Criminal accountability for post-election violence in Kenya. *African Affairs*, 111(443), 244-260.

[58] Blake A (2017) Kellyanne Conway's laughable 'look at what's in his heart' defense of Donald Trump. The Washington Post, 9 January.

[59] Alba, Richard, Jeffrey G. Reitz, and Patrick Simon. "National conceptions of assimilation, integration, and cohesion." *The changing face of world cities: Young adult children of immigrants in Europe and the United States* (2012): 44-64.

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of background, social circle, ideological beliefs, or race, and in so doing, they promote the capacity of citizens to accept each other and appreciate the importance of diversity.

Other mandates of NCIC in this regard include discouraging persons, political parties, institutions, and associations from advocating or promoting activities that could otherwise lead to discrimination or discriminatory practices based on race, ethnic or religious affiliations. The commission works day and night to ensure tolerance, understanding, and acceptance of all diversity in all spheres of life and enhance the full participation of all ethnic communities in the social, economic, cultural, and political activities of other communities.

The commission also plans, supervises, coordinates, and promotes educational and training activities to enhance public awareness, support, and advancement of peace and harmony among social groups and ethnic communities. Promote similar access and enjoyment by people of all racial and ethnic communities to public and other related facilities and services which are offered by the government. They also promote conciliation, arbitration, mediation, and similar forms of dispute resolution mechanisms to promote and secure ethnic and racial peace and harmony across the country.

The NCIC intends to create a just society that is concrete, objective, and recognisable (i.e., which entails respect for individual's rights) that offers a foundation for a free society. Justice in this context involves that which respects free choice. In other words, to be moral and just in a normal sense (i.e., as a central, social virtue of human success) demands respect for individual free choice. Only free individuals can be described as moral and just. Meta-normative justice provides a formula for law and the possibility of the individual's morality and normative justice.

The idea of a just society has been a subject of debate for thousands of years. For instance, in ancient Greece, justice was drawn from the order of society. A good society promotes justice, and justice promotes a good society. According to Plato and his contemporaries (428-348 B.C.), the concept of justice revolved around virtue and respect in our relationship with others. As Plato describes it, justice is a bond that connects society. So, to Plato and his contemporaries, justice relied solely on the state[60].

Aristotle (384-322 B.C.) describes justice as voluntary. That is, a man can act either justly or unjustly whenever he performs his acts voluntarily. According to Aristotle, justice is a virtue where an individual enjoys his possessions concerning rightful and just laws as opposed to those that justify robbery, theft, and redistribute property from particular individuals to others. Universal and natural justice should precede and form the foundation of law. This kind of justice is above the justice dictated by the state, which is special and only confined to the requirements of the government[61].

John Locke's (1632-1704) concept of justice took a better part of his political thought in general. For him, a just society sets the limits and offers direction towards the attainment of civic justice through natural rights. Locke's theory of justice is part of the natural law theory, which exceeds the natural rights theory. In as much as individual rights are inalienable, they are, however, based upon and limited by the law of nature. According to Locke, justice cannot be conceived minus personal property. Where there is no property, there is no justice. John Locke maintained that justice entails an individual's security of possessions as a right based on natural law[62].

CONCLUSION

This paper concludes that ethnic conflict is an impediment to national cohesion and integration

[60] Bloom, Allan, and Adam Kirsch. *The republic of Plato*. Vol. 2. New York: Basic Books, 1968.

[61] Ackrill, John Lloyd. "Aristotle: The Philosopher." (1981).

[62] Locke, John. *Locke: Political Essays*. Cambridge University Press, 1997.

in Kenya. Ethnicity has been and can be traced from the era of colonialism, where the African continent was reduced by colonial masters into 54 ethnic stratifications. This was achieved through the use of force. As it has been realised, this process of reducing the African continent into 54 ethnic stratifications led to the rise of ethnonationalism. The theoretical aspect of the paper has expounded the prism through which we can understand ethnic mobilisation in exercising numerical strength for self-serving interests.

Immediately after independence in 1963 in Kenya, ethnic consciousness was alive and well. Ethnic groupings continued to be more apparent in Kenya's post-colonial era. This became to be so because of the perceived benefits which are associated with political power gained through ethnic mobilisation. The rise of power of an individual from a community was perceived to be an assumption of power by the entire community. This is manifested in subsequent elections after 1964, which exhibited intense competition and mobilisation within ethnic communities across the country.

There is a major role played by ethnicity when it comes to party affiliation. When a member exits from one party due to some reason, it is perceived that the party has lost an entire community to which the individual belongs. Some of the major evidences are those exhibited by then leader of opposition Jaramogi Oginga Odinga when he decamped from KANU and formed Kenya People's Union[63] Another good example is the departure of Raila Amollo Odinga from FORD Kenya and later formed National Democratic Party (NDP) in 1977. William Samoei Ruto also decamped from ODM and formed United Republican Party (URP). From this party, it was realised that about 90% of the Kalenjins migrated from the dominant Orange Democratic Movement to United Republic Party.

In 1992, Kenya transitioned to a multiparty state after repealing section 2A of the constitution. This process saw a proliferation of numerous political parties. The process breathed a sigh of relief in Kenyan political democracy. Little did they know that the same process would yield politicised ethnicity and ethnic politicisation. Ethic manipulation, exploitation and mobilisation became the talk of the day in Kenyan politics.

Recommendation

This study recommends that ethnicity and ethnic conflict should not be a stumbling block towards national cohesion and integration. Ethnic groups can be used to the advantage of the country to enhance diversity. It can be of benefit if they act as a forum to keep the government of the day in check and enhance quality and efficient service delivery. Through this, the country can benefit from ethnic communities.

Lastly, this paper recommends that issues of national cohesion and integration can be achieved through the promotion and respecting the constitution and constitutional commissions and offices, including the National Cohesion and Integration Commission, the National Assembly, the Judiciary, the Office of Ombudsman, and the police department. It is my belief that subsequent regimes will undertake to protect and respect the aforementioned offices for sustained development and democracy.

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[63]Gertzel, C. J. *The politics of independent Kenya, 1963-8.* Northwestern University Press. 1970