

## **A REVIEW OF THE CHALLENGES TO POLITICAL AND SOCIO-ECONOMIC DEVELOPMENT IN KENYA\***

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### **ABSTRACT**

Development policy in Kenya after independence sought to improve the socio-economic conditions of citizens. The leadership of the nationalist movement aimed to redress the racial, ethnic and gender inequalities that characterized society during the colonial period. The government has since independence in 1963, engaged different approaches to achieve these objectives through periodic national development plans. The emphasis and focus of the development policy have shifted over time due to persistent internal challenges and the exigencies of the external environment. The shifts in policy planning, however, have not redressed socio-economic challenges. Instead, each subsequent policy has produced contradictions, causing a small percentage of growth sectors and wealthy individuals, while informalizing production processes in many sectors of the economy and widening socio-economic marginalization of most of the population. In

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terms of political approaches to economic planning, Kenya has moved from the centralized statist approach in 1963 to an experimentation with a 'district focus' strategy in the 1980s; an era of devolved funding from the 1990s and, since 2010, a devolved governance structure. Shifts in approaches to socio-economic development and political organization have only exacerbated the problem of socio-economic inequalities. This chapter seeks to examine the dynamics behind these persistent challenges. The chapter is based on a re-interpretation of already published works and existing data. Data from social sectors that most manifest socio-economic inequalities will be highlighted to illustrate the trends.

## INTRODUCTION

Sessional Paper No. 10 of 1965 on *African Socialism and Its Application to Planning in Kenya*, was the first policy that articulated the Kenya government's development orientation and its contradictions (Republic of Kenya, 1965). According to this policy, Kenya was to develop a mixed economy with both state and private sector participation as a strategy for sustained economic growth. The policy identified areas that presented future problems to economic growth, including the need for rapid development of agricultural lands; accelerated industrial growth; attracting domestic and foreign capital, pursuing monetary policies that would promote the interests of equity and larger revenues; guarding foreign exchange reserves; providing for participation by Africans in the economy; relieving unemployment; removing idleness; reconciling pressures for expanding welfare schemes with the need for rapid economic growth and conserving natural resources (Republic of Kenya, 1965). The policy indicated the country's development choice as one that favored economic growth as opposed to social development (redistribution). Accordingly, the policy encouraged approaches to economic planning that favored public investments in already developed and high potential areas. It was argued that this approach was likely to yield faster returns due to an abundance of natural resources, fertile land and rainfall, transport and power facilities, and people already receptive to and active in development (Republic of Kenya, 1965). Policy makers then seemed to think that the problem of less developed areas accrued from citizens' resistance to new ways of doing things and their lack of the necessary discipline of planned

and coordinated development (Ibid). Solving the problem of development in the less developed regions was expected to be a long-term problem, requiring concerted and prolonged effort to overcome. Prejudices and suspicions from these inhabitants had to be mitigated before it was possible for government to invest any resources. In other words, the lack of socio-economic development in these areas was blamed on the people residing there not lack of government strategy.

It is the contention of this chapter that Kenya has never gotten to deconstruct this initial exclusionist approach to policy planning, which explains divergencies in the country's socio-economic development to-date. The 1965 sessional paper promised equity and equal access to the benefits of development for every citizen, yet deferred government intervention in less developed areas, while blaming citizens for the levels of underdevelopment. Most of the undeveloped regions are in the arid and semi-arid regions (ASAL), which constitute approximately 70 per cent of Kenya's land area. The populations in these regions have been marginalized as far as reaping benefits of government policy interventions is concerned. This is one of the challenges that continue to compound Kenya's economic development. As we shall argue in the next section, while the challenges in these regions are ecological, government planning perceives the ecological challenge in terms of people's resistance to change.

## **ECOLOGICAL AND DEMOGRAPHIC DIVERSITY AND SOCIO-ECONOMIC DEVELOPMENT**

Over the years, Kenya's approach to development planning has been influenced by the country's varied agro-ecological and climatic zones. This has, in turn, influenced demographic dynamics to the extent that there seems to be a natural confluence between a people's capacity to manipulate nature and benefit from its agro-ecosystems, and current levels of socio-economic and political development of the various regions. The mediating factor determining current socio-economic conditions, however, has much to do with government planning policy for the various agro-climatic zones.

Kenya has a total area of 580,370 square kilometers (kms). Topographically, the altitude varies from sea level to the peak of Mt. Kenya, situated north of the capital Nairobi, which is 5,199 meters (m) above sea level. In terms of socio-economic profiles and economic potential of the different regions, the agro-climatic zone map of Kenya divides Kenya into seven (7) zones based on rainfall patterns and the potential for agriculture. In this context, agriculture is largely defined as cash and food-crops, to the exclusion of other agricultural practices such as pastoralism (Republic of Kenya, 1980). The zone is important as a source of rain and rivers. Zone one (I), according to the classification, has no direct bearing on agricultural production as it is confined to mountains and surrounding areas. Zone two (II) is the high agricultural productivity regions of central and Eastern Kenya (areas surrounding Mt. Kenya), areas in the Rift Valley region (Mau and Aberdare, including Kericho and Nyahururu) and the areas surrounding Mount Elgon (Kitale and Webuye). Most of these areas were referred to as the white highlands, where colonial settler agriculture flourished during the colonial period. They are the areas that were earmarked by the 1965 session paper for government investments to sustain economic growth.

Zone three (III) comprises areas receiving annual rainfall of between 950 and 1500 mm. This zone is characterized by medium to small-scale agricultural cultivation and high population densities. It covers most parts of the Nyanza region (especially the highlands), Western and Central provinces, a good proportion of Central Rift-Valley (Nandi, Nakuru, Bomet, Eldoret, Kitale) and a small strip at the Coast province. Zone four (IV) receives lower rainfall of between 500-1000 mm. This is typically represented in regions surrounding Naivasha, vast parts of the Laikipia and Machakos districts and vast parts of the central and southern Coast Province. Zone five (V) is much drier compared to zone four's regions. This zone receives annual rainfall of between 300-600. It is prevalent in northern Baringo, Turkana, lower Makueni and vast parts of the North Eastern region of the country. In Kenya's socio-economic classification, some areas in zone IV and all areas in zone V are classified as semi-arid regions as they receive between 500 and 850mm of rainfall annually. These areas are further subdivided into four categories based on agricultural potential. These are a) semi-arid areas with mixed rain-fed and irrigation agriculture and high economic and political disparities; b) semi-arid areas with encroaching agro-pastoral use by marginalized smallholders; c)

semi-arid areas with predominantly pastoralist use in the economic and political periphery; and, d) semi-arid areas that include protected areas and their surroundings. Kajiado, Narok, Mbeere, Mwingi, Kitui, Machakos and Makueni are considered semi-arid. Also covered under this category is the entire coast, except the Tana River district and some small part of central Kenya.

Zones six (VI) and seven (VII) constitute a few areas that are classified as semi-arid and a large part that is classified as arid, with desert-like conditions. Zone VI areas receive annual rainfall of between 200 to 400 mm and is erratic. The zone is found in the Marsabit, Turkana, Mandera and Wajir Districts. The pure arid, Zone VII, includes the Chalbi desert in the Marsabit district with sparse vegetation and pastoralism as the core economic activity. The arid regions are characterized by high temperatures with evapotranspiration rates more than twice the annual rainfall. In most cases, when it rains in these regions, it is in the form of short but high intensity storms that produce considerable run off and soil erosion. In these circumstances, average rainfall figures are deceptive because there tends to be a few years of rainfall well above average whilst the probability of occurrence is low. Approximate rainfall expectancy in the arid districts ranges from 150-450 mm in a year. Few areas have volcanic soils and alluvial deposits which are suitable for crop production. Water availability and accessibility is highly variable and is a considerable constraint to production.

This detailed description of the agro-ecological zones has been presented here as a prelude to explaining how ecological conditions have influenced socio-economic and political developments in the country. While the distribution of agro-eco-ecosystems is naturally determined, their productivity is determined by deliberate manipulation by human beings primarily for production and reproduction. Over the years, the natural occurrence and spread of the different ecological zones has been associated with a political process of naming and associating the economic potential of a region with its eco-system characteristics. This began with the onset of colonialism and was accentuated during the post-colonial period. The various agro-climatic zones, for example, are based on the rainfall potential of the region and its capacity for plantation agriculture. The zones that can support this notion of agricultural productivity account for approximately 20 per cent of the country but support roughly 80 per cent of the population. The semi-arid zones cover approximately 20 per

cent of the entire land area while the arid zones, characterized by desert conditions, covers 60 per cent of the total landmass. What this means is that over time, conscious government planning has largely benefited regions in the 20 per cent agricultural zone in line with the economic development orientation of Session Paper No 10 of 1965. This is despite the fact that though the arid and semi-arid zones cannot support agricultural production, they are endowed with other resources such as extractives which, if developed, would improve the socio-economic profiles of the regions. Mineral resources currently exploited are gold, limestone, soda ash, salt, rubies, fluorspar, and garnets. By 2014, forested land in Kenya was less than ten per cent, which means that Kenya is a low cover forest country by United Nations standards (Republic of Kenya, 2014). The United Nations also classifies Kenya as a chronically water-scarce country with a renewable freshwater supply of about 647 cubic meters per capita, falling below the set marker for water scarcity of 1,000 m<sup>3</sup> per capita (World Bank, 2006).

In terms of demographic dynamics, Kenya comprises 42 ethnic groups, the Kikuyu, Luo, Kalenjin, Luhya, Kamba, Kisii, Mijikenda, Somalia and Meru being the largest in numerical strength, respectively (Republic of Kenya 2013). Christianity and Islam remain the main religions in the country. English is the official language while Kiswahili is the national language. The country's population has more than quadrupled since 1963, growing from around 8.1 million in 1963 to an estimated 48.462 million people in 2017 (Republic of Kenya 2018). Kenya has the sixth highest population in sub-Saharan Africa, behind Tanzania, South Africa, the Democratic Republic of the Congo (DRC), Ethiopia and Nigeria. The total fertility rates per woman (henceforth, TFR) has, however, fluctuated from 4.9 in 2003, to 4.4 in 2009 and was at 4.6 in 2013 (KDHS 2010, Republic of Kenya 2009; Republic of Kenya 2013). Data on TFR is important as the poor regions of the country (Arid and semi-Arid areas), where less public resources have been invested over the years, have corresponding low levels of female schooling and high TFR. For example, by 2014, the arid and semi-arid counties of northeastern Kenya registered an average of 7.8 children per woman compared to a national average 3.9 children per woman (Republic of Kenya, 2014).

In terms of growth rates and composition of the age structure of the population, studies point to a trend where rates of population growth outpace rates of economic growth, therefore complicating the problem of socio-

economic development. In 2008, Kenya's population was estimated at 34 million up from 28.7 million reported in the 1999 national census and from 15.3 million in the 1979 census. In 2006, the annual population growth rate was estimated at approximately 2.8 per cent, a rate substantially below that of the early 1980s when Kenya's growth reached four per cent (Republic of Kenya 2009). The 2009 national census established the proportion of the youth population as a share of the adult population to be 66 per cent. Government policy going forward was to stabilize the rates of population growth to 1.5 per cent per annum and reduce TFR per woman to 2.2 children (Republic of Kenya 2013).

In terms of age structure, data for 2018 shows the structure of Kenya's population as follows; children, 0-4 years (42.3 per cent); working population aged 15-64 years (55.1 per cent) and the aged population, 65+ years (2.7 per cent) (Republic of Kenya 2018). Of the population group aged 15-64, 36 percent constituted a population of youth aged 15-34 years (African Institute for Development Policy, AFIDEP et al. 2018). This is an age structure associated with a youth bulge, which if the country plans well, would benefit from the demographic dividend. The likelihood of turning the youth dividend into a demographic dividend is, however, eroded by other socio-economic circumstances that the youth face. By 2014, approximately 67 per cent of Kenya's unemployed were youth aged between 15 and 34 years of age, while 3 per cent were enrolled in Technical and vocational Education and Training (TIVET) or university level institutions (Republic of Kenya 2014). However, due to government underfunding of institutions, the quality of education in universities has increasingly come under scrutiny. The labor markets have raised concerns over the years that poor-quality training in the institutions predisposes the youth to long periods of unemployment (AFIDEP et al. 2018, British Council, 2016).

But, even the best intentions of government policy to match population growth rates with economic growth rates continues to face hurdles around equating high populations numbers with control of political power and resources. While Session Paper No. 10 of 1965 might not have been intended in the current manner that its logic is applied in Kenya, high population numbers signify control of political and economic largesse. Kenyan politics is principally organized around ethnic groups and since the large ethnic groups have controlled political power since its independence, their areas have

received a large share of public resources and are, therefore, more developed. As we shall see in the discussion on economic development, the large communities have also used their control of public resources to move to areas previously defined as ‘underdeveloped’ (areas Zones IV-VI). Using these resources and networks has transformed the economic fortunes of the regions where they have settled. This has created a dichotomy that has fueled the politicization of demographic planning in the country. The ‘indigenous’ inhabitants of these regions have not benefited from such resources and, therefore, think their socio-economic fortunes will also change if they grow their population and win political power. The ethnic groups with large populations see this as a strength to continue holding on to privilege. Politicians from both sides, therefore, approve population planning policies in their official capacities but in informal gathering continues to urge their constituents to increase their population numbers.

Government policy over the last two decades has not helped to diffuse these pressures. The allocation of devolved funds for constituencies and the development of social sectors (education, health) has been largely based on population numbers prior to considering a region’s level of socio-economic development. Schools with high enrollments receive more public funding, even when located in high potential regions with wealthy household members compared to those schools in low density regions. This has maintained a general feeling that the policy rewards high population areas and those that are well-off compared to levels of socio-economic need. The Commission for Revenue Allocation (henceforth, CRA), a body established after the 2010 constitution, confronted this problem by crafting a formula that would be used to distribute national revenues to the counties. After much haggling, political pressure to adopt population numbers and density as basic criteria over poverty index and land area prevailed. The formula used to allocate funds to the constituencies is now 45 per cent allocation based on a country’s population, 20 per cent poverty index and 8 per cent based on land area (Kaimenyi, 2013). This is problematic as it means that 73 per cent of the allocation is based on factors that disadvantage regions with low populations, high poverty index and a history of exclusion. These regions are not benefiting from public resources.

The contradictory policies, therefore, continue to influence household and community responses to government policies, including family planning



policies and settlement patterns, with more people migrating to places they perceive they are likely to benefit from public services. By 2013, about 26 per cent of the population lived in urban areas, 61 per cent of whom were poor urban (slum) settlements (Republic of Kenya, 2013). The country's major cities (Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret) have received much of these populations. According to the 2009 population census, Nairobi had the largest share of Kenya's urban population at 3.1 Million (25.9 per cent) followed by Mombasa at 925,000 (7.7 per cent); Kisumu, 383,000 (3.2 per cent); Nakuru, 367,000 (3.1 per cent); and Eldoret, 312 (2.6 per cent) (Central Bureau of Statistics, 2009). None of these cities are in the heartlands of the regions in Zones IV-VII.

### **SOCIAL-CULTURAL SETTINGS, EDUCATION AND HEALTH INDICATORS**

Cultural predispositions have been shown to be powerful determinants of a population's responses to processes of change and development (Holsinger 1977). In the case of Kenya, the link between these variables and how they relate to the uptake of modern schooling and public health practices have been controversial. From the onset of colonialism, the introduction of Christian missionary activities and colonial settler agriculture were met with varying degrees of acceptance. Regions that were particularly unreceptive to these new activities were accused of rejecting modernity. This theory was later reinforced by colonial anthropology and accentuated by approaches to economic planning in the post-colonial period (Goldsmith, 2011). It is interesting to note how the areas and regions so labelled during the colonial period continue to have the lowest levels of development interventions from public resources.

To be sure, aspects of tradition and customary practices have been maintained by all Kenyan communities and regions. There are, of course, differences in the extent of the community's recourse to traditional culture as part of their social economic practices. Communities in regions with high levels of socio-economic development do not encounter this contradiction of practicing aspects of traditional culture alongside modern ones or even within

modern institutions like Christian churches. Culture and tradition in Kenya have become issues when government wants to explain failure to develop certain regions of the country or private individuals with political support want to alienate available resources in lands inhabited by the, so labelled, 'traditional communities' or both. Similar approaches to resource alienation and underdevelopment of some regions happened during the colonial period when the British administrators described the attachment of coastal and pastoralist communities to tradition as 'indolence' (Goldsmith, 2011). Such negative attitudes from British colonial administrators to local communities were accompanied with conquest and benign neglect resulting to the economic stagnation of formerly dynamic and wealthy communities (Goldsmith, 2011).

In the face of economic marginalization, blaming communities' attachment to tradition as their cause of economic underdevelopment continues, often justified by rebranded notions and labels on marginalized communities borrowed from colonial anthropology. This trend has been exacerbated by population growth and land pressure in the developed regions of the country, forcing people to move out to less denser areas, most of which are formerly neglected regions (Klopp and Lumumba, 2016). A common description of communities in coastal regions of Kenya is that they are 'lazy and bid their time sleeping under mango trees waiting for the fruits to fall and eat'. Mango trees grow naturally in most parts of the coastal region of Kenya. This description has been used to justify the alienation of land from coastal communities and its allocation to people migrating from up-country regions. For example, in Lamu, 95 per cent of inhabitants in the Mpeketoni and Mkunumbi settlements schemes are migrants from up-country and have title deeds to their land. The indigenous population, however, have no title deeds and cannot use their land as collateral (Commission for Revenue Allocation, 2012). The settlement schemes are served with modern infrastructure like water projects and roads; both facilities that are absent in lands settled by the indigenous peoples, who continue to be labelled 'traditional and conservative' while being denied the benefits of public provision. This is the fate of most communities inhabiting the semi-arid and arid ecological Zones IV-VII. Within these zones, political support and private capital have witnessed enclaves of wealth and well-being which mostly benefit the new settlers and marginalize further indigenous populations, pushing them away from public

infrastructures such as schools and health centers. (Klopp and Lumumba, 2006)

The link between culture, ecology and socio-economic well-being in Kenya, therefore, remain contentious. Since levels of political support mediate this process, the roles individuals play in the society and the process and rewards that they reap, tend to differ depending on their age, gender, power, influence and abilities. At the same time, how others perceive them, and how they perceive themselves are largely a function of those roles and rewards. In effect, the process creates and sustains a human-made environment in a social sphere. In this regard, the physical and social environments that people inhabit determine their relationship to government and the attitudes and perception of what socio-economic development entails.

In terms of socio-cultural organization, some communities largely abandoned traditional practices, especially those related to social structure and kinship relations. Even within individual communities, social differentiation is widespread and is tied to property ownership and inheritance. Since Kenya is a predominantly agricultural country, land is a principal factor in production. Hence, access to and control over land has a critical impact on a family's socio-economic status, especially in the rural areas where approximately 80 per cent of the population lives. Most ethnic groups still use the traditional land tenure system. Traditional tenure practices provide land access to all members of the family lineage, while control over land use was vested in the clan or in the community. By the dictates of custom, women inherited property through their husbands while men's entitlement to land was cemented through marriage. In this regard, in the registration of traditional land holdings, husbands were the legally acknowledged title deed holders. Until recent changes in the legal provision and the 2010 Constitution, husbands could dispose of land without their wives' consent. The constitution and dispensation in new laws, protects wives' interests in the event of sale by requiring the consent of all family members before land and any other family property is sold. Additionally, the Law of Succession and the constitution entitles wives and daughters to a share in the estate, including real property of their husbands or fathers. With the completion of land registration in many parts of the country, real property can freely change hands solely on a "willing buyer and willing seller" basis. In this case, women, even when married can buy and sell land under their own names. However, despite coming into force with this

legislation, discrimination against women is still common. Many people, especially men, consider sons as the proper heirs of the family name and property. This is because sons are thought to be essential to the continuation of the family lineage. There is, then, a strong preference for male children to inherit property. Such preference often encourages the continuation of reproduction beyond medically, socially and economically reasonable limits where the male child, or the desired number of male children, proves difficult to reach. This same desire for male children also helps perpetuate polygamy in some communities (Government of Kenya and UNICEF, 1992; Government of Kenya and National Environment Authority, 2009).

Gender differentiation also extends to decision-making and the division of labor. While there are increasing concerns for gender equity in the socio-economic sphere, patriarchy in most households and in the modern workplace is still practiced. Although patriarchy has its origin in the Western world, especially Europe, it has been subtly and crudely justified under the umbrella of the “traditional African society.” The result is that there are some jobs which are considered to be exclusively within the male or female domain. This is reinforced by the traditional division of labor in many Kenyan households, which is far from being equitable as it burdens women much more than men. Although some changes have begun to occur, especially in the upper strata of urban Kenya, nearly all the household duties still fall on the female members. This system has been continued from the communal mode of production in the patriarchal form. Patterns of household decision-making by women as a group, particularly in rural areas have not changed significantly. In the male-headed households, especially when the man is the only bread winner, he makes the final decision on crucial household expenditures, though he might be prompted in the decision by his wife or children. However, it is also important to mention that as women achieved high levels of education, gained more knowledge of the world, and increased their visibility and importance as co-breadwinners in the economy, they have frequently exerted pressure on men, particularly in the urban areas to allow them a greater role in decision-making than they would have enjoyed in the past (Government of Kenya and UNICEF, 1990; Government of Kenya and UNICEF, 1991).

It is also important to note that the extended family obligations (helping blood relatives beyond one’s children), which still persists, seems to play an enduring role on the national socio-cultural scene. The extended family tends

to bear the burdens of the rampant dependency syndrome. It generally functions as an informal social insurance system or mutual support mechanism, whereby members of a family lineage tend to feel strongly obliged to care for one another. However, such obligations have evolved in response to changes in residential patterns and the stresses and strains emanating from the economic sphere. On the other hand, economic constraints and rural urban-migrations have occasionally spread members of the extended family over large distances. Under these circumstances, lack of frequent contact tends to weaken the rights and obligations within the family. Members of the extended family who are employed or generally well off, however, are expected to, and usually do, give material assistance to those who need help. Such assistance normally reinforces the perception of belonging together, even if it strains the resources of the giver. However, in the context of the modern cash economy, the extended family is often perceived as a burden and not an economic resource to some members, as income-earning opportunities are not widely accessible. The challenge for the individual families is to raise all family members to a higher level of well-being without doing irreparable damage to those family members who bear the productive burdens (Silberschmidt, 1991).

The uptake of formal schooling and modern public health practices, among the different regions and communities, has also been affected by the contradictions between availability and the influence of a community's culture and attachment to traditional practices. As stated earlier, the persisting contradiction in Kenya's approach to development has been to concentrate public resources in high density productivity regions. Less dense regions are rarely served by public utilities such as schools, which means the uptake of formal schooling is low. Health centers also do not exist, are too far or are not stocked. In the case of pastoralists, the same applies with respect to provision of modern veterinary services. Most of these communities are bound to seek recourse for sustainability in traditional systems of knowledge transmission and healing practices, including for their animals. This situation also affects communities living within the Lake Victoria basin. Though of medium density, served by modern institutions such as schools, the region suffers from high levels of disease prevalence, exacerbated by climatic conditions whose extremes overwhelm the community's coping capability. So, the attribution of tradition and conservatism to communities' failure to take up schooling and

modern health practices, even when physical provision is unavailable, is one of the contradictions of development policy in Kenya.

For example, by 2016, the year for which the latest household budget survey data is available, the percentage of population that had attended three years or more of schooling was 89.4 per cent (KNBS 2018). But, this was below 50 per cent for the ASAL counties of Garissa, Marsabit, Mandera, Wajir, Turkana, and Samburu. At the same time the ASAL counties recorded higher than national average family household sizes (number of family members), Wajir (6.6), Garissa (5.5) and Mandera (6.4) compared to counties from high density regions that recorded smaller family household sizes such as Nyeri (2.9), Nairobi City (3.0) and Mombasa (3.0) (KNBS 2018: 70). School attendance followed the same pattern. The National Net Attendance Ratio (henceforth, NAR) for pre-primary, primary and secondary school was 63.5, 82.4 and 37.5 per cent, respectively. But the ASAL counties registered the lowest NAR, with Garissa County having the lowest NAR for pre-primary and primary school at 4.4 per cent and 37.8 per cent, and Turkana the lowest NAR for secondary school at 9.3 per cent (KNBS 2018: 72).

The same pattern was repeated regarding health indicators. Nationally, the proportion of children born in health facilities (hospitals, health centers, dispensary/clinics) improved significantly to 65.3 per cent in 2015/16 Kenya Integrated Health Baseline Survey (KIHBS) compared to 39.1 per cent reported in the 2005/06 KIHBS. However, the ASAL counties of Wajir, Mandera, Samburu and Marsabit had over 70 per cent of children born at home, while Kirinyaga, Nyeri and Kisii Counties recorded over 90 per cent of children born in a health facility (KNBS 2018:106). These patterns do not reflect persistence of culture and traditions, but rather the lack of public provision. Kenyan society continues to be fractured by entrenched vertical and horizontal inequalities that have been perpetuated and reinforced over time by public spending patterns that systematically disadvantaged some groups and areas. Of the 47 new counties created through devolution, 23 are categorized as ASAL areas. These areas have, since the colonial period, been categorized as disadvantaged and allocated a lower share of public funds for years.

These indicators are partly explained by the fact that government spending per capita on these services is considerably less in these less developed areas. There are fewer school and health facilities and less teachers and health staff

compared to high density areas. Non-governmental organizations (NGOs) also often place a higher priority on service delivery to settled agricultural communities. The reasons for low school attendance, especially among pastoral communities and indigenous communities in the coast region remain complex. Foremost, low school enrolment may also be due to a perception among pastoralists that formal education, as currently provided, undermines the principles on which pastoral livelihoods are based. Formal education places no value on the local practices and institutions of pastoral communities. In this way, it may introduce new divides into households and communities and undermine customary institutions.

## **POLITICAL STRUCTURES, LEGAL AND RIGHTS FRAMEWORK**

Kenya's political system is organized around ethnic mobilization rather than political ideologies. Control of executive political institutions (presidency, security agencies and some cabinet portfolios) has often meant control of economic resources which are distributed along ethnic lines to the exclusion of members of other ethnicities. Using ethnicity as the basis for political mobilization continues to predispose the country to challenges with regard to the rule of law as political actors escape accountability by invoking affinity to politically powerful ethnic patronage systems. Human rights violations occur frequently and equality is not put into practice. Impunity for serious crimes, notably human rights violations and corruption, remains a formidable challenge. The broad challenge that the system has faced over the years is lack of enforcement of accountability in the management of public affairs. The new constitution promulgated in 2010 was supposed to address these shortcomings. However, its full implementation ran into headwinds due to political gerrymandering revolved around the need to keep a strong centralized authority with attendant control of public resources. Corruption, both in the political and economic sense, remains a major challenge. Corruption is a major impediment to doing business in Kenya with allegations of misappropriation of public funds on the rise. The 2016 Corruption

Perception Index released by Transparency International (TI) ranked Kenya among the most corrupt countries at 145 out of 176 countries (Deloitte, 2017).

The 2010 constitution established a presidential republic in which sovereignty is exercised by the people through democratically elected representatives, but limited presidential power through a decentralized political system. The constitution created 47 counties and an upper house in the Parliament, the Senate, where county governments have equal representation. Certain powers were transferred from the central government to the 47 newly created counties, ranging from economic development to health care, education and infrastructure. The rationale for devolution involved several factors, but the two most important ones were empowerment of local government and reducing inequality between regions. The constitution also included a Bill of Rights that recognized the socio-economic needs of Kenyan citizens (Republic of Kenya, 2010).

Issues of equity are addressed through the Bill of Rights. The counties receive grants from Treasury based on the recommendations of the CRA. The Constitution also provides for an Equalization Fund, which is set aside to provide basic services including water, roads, health facilities and electricity to marginalized areas. The rationale for the equalization fund is that extra resource allocations are needed for the marginalized regions in order to bring the quality of basic services these areas to the level generally enjoyed by the rest of regions of the country. In addition, the Constitution provides for the representation of minorities and marginalized groups in governance, and has provisions on enhancing access to employment and special opportunities in educational and economic fields for these groups. Therefore, the Constitution provides impetus to diminish Kenya's regional inequalities, which continue to be a recipe for disharmony and dissatisfaction among citizens. This will be a long-term struggle for the constitution's full implementation (Republic of Kenya, 2010).

The government consists of three arms, namely: The Legislature, which enacts laws; the Executive; and the Judiciary, which acts as an arbitrator. With the new constitution and the 2013 national elections, the legislator comprises of 47 elected senators and several nominated ones; the national assembly with over 300 elected members of parliament and a number of nominated ones; and the Attorney General who is an ex-officio member. Within the judiciary, there is the Chief Justice and the Supreme Court and other organs, while the



executive is led by the presidency. Additionally, there is universal suffrage for all citizens over eighteen years. Voting is done by secret ballot. The Kenyan Constitution guarantees freedom of political participation without discrimination on the basis of race, religion and gender. Elections are conducted by the Independent Electoral and Boundaries Commission (IEBC) (Republic of Kenya, 2010).

The administrative structure consists of centralized services from line ministries. Based on the new constitution, there are 20 ministries and several independent non-ministerial departments. The role of these bodies is to facilitate policy formulation and deliver public services, including the implementation and monitoring of programs and projects. Within the county administrative system, the president appoints County Commissioners of the 47 counties, district commissioners and district officers. Under this hierarchical structure, district officers, chiefs and assistant chiefs are in charge of administrative divisions, locations and sub-locations, respectively (Republic of Kenya, 2010).

Within the context of the outlined political structures, there is now a rights and legal-based approach to development, which demands the broadening of the scope for marginalized groups' survival, protection, and participation. Such an approach centers around the principles of indivisibility, universality, equity and the best interests of humanity. Indivisibility refers to the mutual exercising of all rights in a complimentary, inter-dependent and non-hierarchical manner, while universality means that all rights apply to every citizen. The principle of participation requires that the beneficiaries participate in determining the objectives, process and outcomes of the program. These rights include the right to survival, development and protection. Survival rights include the right to life, the right to the highest attainable standard of health and nutrition as well the right to nationality. Development rights include the right to education, the right to social security and the right to leisure recreation and cultural activities, while the right to protection includes the right for respect for every one's views, freedom of expression, access to appropriate information and freedom of thought, conscience and religion.

For example, Articles 20, 35, 42, 43 and 53 state, among other rights, that "every person has the right to education." This is reinforced by Articles 10(1) and 10(2) which states the national values and principles of governance that are binding to all state organs and institutions in the country including

education. Articles 52, 53, 54, 55 and 56 of the Constitution have provisions on children's right to free and compulsory, quality basic education, and provisions regarding access to educational institutions and facilities for persons with disabilities in ways compatible with the interest of the disabled persons (Republic of Kenya, 2010: 31-33). There are also provisions targeting facilitating access of youth and marginalized minority to quality education and training, and access to employment (Republic of Kenya, 2010:31-33).

The Kenyan Government has ratified many of the United Nations (UN) conventions, especially those affecting women, children and marginalized groups, and transformed them into legal and policy frameworks. Enforcement of these groups' rights is part of the Bill of Rights which is enforced in Kenya through Kenyan law. The Kenyan legal system is composed of Acts of Parliament, principles of common law and equity and the African customary law. The hierarchy of laws and the choice of laws applicable in the High Courts is provided for by Section 3 (1) of the Judiciary Act. These laws are the Constitution and written laws and the substance of the common law, and doctrines of equity and statutes. Customary laws apply insofar as they are not repugnant to morality and justice and are not inconsistent with any written law. The Constitution, which is the supreme law of the country, enables the existence of a plurality of personal laws by recognizing the diverse and heterogeneous nature of the Kenyan society. This allows for the application of customary personal laws in matters such as adoption, marriage, divorce and burial. The Constitution also recognizes the diversity in religious laws by, for instance, recognizing the application of Islamic personal laws in the Kadhi's Court, which has jurisdiction in matters relating to personal status, marriage, divorce or inheritance proceedings if all the parties are Muslims. This integration of personal religious laws in the Constitution is said to have created a multi-tiered and multi-sourced system of law (Government of Kenya and UNICEF, 1998; Government of Kenya and National Environment Authority, 2009).

The Kenyan Constitution outlaws discrimination on the basis of sex, race, tribe, place of origin or residence or other local connection, political opinions color or creed. Following the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) a constitutional amendment (Section 82), added "sex" as a ground upon which discrimination is prohibited. Discrimination arises where certain persons are denied or restricted from

enjoying privileges or advantages that are accorded to others by sections of the Constitution. Some sections further prohibit persons performing functions of a public office or public authority from discriminating against persons within this definition. The specific inclusion of the term “sex” in Section 82 of the Constitution was crucial to the attainment of full protection of women’s human rights and attainment of gender equality. This was particularly important considering that it was in the realms of personal laws, where different forms of gender discrimination prevail, making them critical in the attainment of moral and actual equality. Outlawing discrimination against women enabled them to challenge discriminatory laws and policies in a court of law and call for automatic repeal (Government of Kenya and UNICEF, 1992; Government of Kenya and National Environment Authority, 2009).

It should, however, be acknowledged that despite the progressive nature of the new Constitution, its successful implementation has been hampered by numerous challenges, which among others include a political leadership that is anchored in the conservatism and repression of the previous regimes and lack of adequate resources. The leadership has struggled to introduce legislation that attempts to claw back many of the rights and freedom currently enjoyed by ordinary citizens.

## **ECONOMIC ISSUES**

Kenya’s economic performance has had an important bearing on all citizens, especially marginalized groups. The performance is a function of the resources available, their rate of growth and distribution among the various communities and regions. A well-endowed resource country that distributes such resources equitably among its citizens provides them with the means to meet their basic needs and to pursue other activities, which would include investments. Conversely, a country that is resource-poor or abundant but distributes inequitably will inevitably have many pockets of poor and disadvantaged people who are vulnerable. In this regard a country’s economic performance is a fundamental determinant of maternal and child mortalities.

Kenya’s economy is largely dependent on agriculture and manufacturing. The first decade (1963-1973) following the achievement of independence in

1963 was characterized by rapid economic growth averaging seven percent per annum. The performance of the economy was based on the extension of agricultural acreage, introduction of hybrid maize, exotic cattle and export crops, rapid expansion of public services and import substitution-led industrialization. In this phase, which some economists describe as Kenya's "golden age," the country enjoyed low inflation employment creation, a relatively stable balance of payments position and gross domestic product (henceforth, GDP), growth rates (Republic of Kenya, 1964).

However, this rapid growth era was effectively checked by the first oil shock of the period 1973-74, which was associated with the Arab-Israel war of 1973. During this war, there was a sharp rise in oil prices creating considerable external and internal imbalances in Kenya. The situation was temporarily resurrected by the coffee boom of 1976-77, when Brazil's coffee crop was destroyed by frost. Kenya experienced a second economic shock with the rise in coffee prices, which suddenly improved the balance of payments, but subsequently created major internal imbalances as the government failed to respond creatively to the economic windfall gains. This was followed by further decline in the performance of the economy due to a drop in the world prices of coffee, the onset of the second oil shock of 1979-82 and an expansive fiscal policy. Despite these setbacks, Kenya enjoyed a GDP growth rate of approximately 5.2 per cent per annum, which indicated a modest reduction in the high momentum achieved in the first decade. (Government of Kenya and UNICEF, 1992; Government of Kenya and National Environment Authority, 2009).

The third phase, roughly 1980-85, witnessed a sharp decline that registered a low GDP growth averaging approximately 2.5 per cent per annum with some years experiencing negative growth. The economic decline was as a result of several factors that included the continued high cost of oil products, global recession of 1980-82, and poor internal economic management. In the fourth phase, 1986-89, Kenya, like many of the developing countries, entered a period of structural adjustment programs (henceforth, SAPs) in agriculture trade and industry, finance sector, education, and health parastatals. The need for SAPs was recognized by the government much earlier and led to the publication of the Sessional Paper No. 1 of 1986, *Economic Management for Economic Growth*. The programs, which were medium to long-term, aimed at the supply side of the economy and attempted to restructure the sectors such

that they were responsive to prices and market signals and, therefore, more efficient (Republic of Kenya, 1986; Government of Kenya and UNICEF, 1992, Government of Kenya and National Environment Authority, 2009).

In addition to the SAPs, the government also began implementing short-term macroeconomic stabilization programs, aimed at the demand side of the economy with an objective to reduce imbalances in the form of high inflation, high unemployment, high budget deficits and balance of payments. Such deficits were considered particularly harmful and unsustainable. Hence, the purpose of the stabilization programs was an attempt to suppress demand by making commodities expensive through currency devaluation, decontrolling prices and removing government subsidies and cutting expenditure on social services which included, among others, health services, education and public sector employment. Both the SAPs and the stabilization programs were associated with the World Bank and International Monetary Fund (IMF). The SAPs were commonly advocated by the World Bank, who also provided the bulk of their financing, while macroeconomic stabilization programs were financed by the IMF through balance of payments support. The two programs were typically initiated by the government, with the Bank and the Fund invited to provide technical and financial support (World Bank, 1989).

From the early 1990s, the Kenyan economy appeared to enter a fifth phase that was characterized by the slow growth, reminiscent of the early 1980s with the GDP growth of 4.3 per cent. In 1991, it fell to 2.2 per cent and was projected to decline to 2 per cent in 1992. The declining trend developed due to a variety of factors, including a fall in external resource flow; the poor performance in international markets by Kenya's main exports; the inability of the economy to attain macroeconomic balance (especially in the areas of fiscal balance, inflation, unemployment and balance of trade); and poor internal management. A good example of the economic decline was the dramatic fall in agriculture that recorded a negative growth rate of 1.1 per cent, a trend that was quite alarming as agriculture contributed to 27 per cent of the GDP. Most people directly or indirectly depended to the sector for their livelihoods (Loubser, 1983).

In response to the deteriorating economic conditions, the period 1991 to the end of the 1990s represented a period of accelerated implementation of the most comprehensive economic reforms in Kenya's history. These reforms focused on reforming the micro-environment and restructuring the incentive

system to be more outward and efficiently oriented. The core reform measures included full liberalization of the foreign exchange and import licensing regime, coupled with tariff rationalization and lowering of tariff levels. Interest rates were liberalized in 1991, leading to market-determined interest rates. The government also eliminated price control and relaxed monopoly marketing arrangements in agriculture. To ensure a sound macroeconomic base, the government also restructured the fiscal and monetary policy environment to limit budget deficits and the reduction of monetary expansion. The Central Bank of Kenya (CBK) Act was also amended to strengthen the oversight and supervisory role of this bank over the financial sector and limit the government's ability to borrow from it. These measures tended to reverse the economic decline with significant improvement in the GDP, per capita income and sectoral growth rates. The rapid money expansion and inflation rates were brought under control through a tight monetary policy, but at the expense of extremely high real interest rates. The unsustainable fiscal deficits were brought under control, even as social expenditures. The exchange rate depreciated in nominal terms. These did not, however, improve the trade balance nor the debt burden. These reforms continued through the turn of the century, with greater emphasis on privatization, civil service reform and the rehabilitation of the infrastructure with the election of a new government in 2002. It was expected that with the recovery of the economy would result to employment growth, efficiency and the eventual transformation of the Kenya into a Newly Industrialized Country (NIC). (Republic of Kenya, 1991; Government of Kenya and UNICEF, 1989; Government of Kenya and UNICEF, 1992; Government of Kenya and National Environment Authority, 2009).

The SAPs and the macroeconomic stabilization programs, as stated above, were expected to stabilize the economy, reverse the economic decline and renew economic growth. Unfortunately, the programs had far reaching effects on different groups of people; interrupted existing economic structures, hurting some people while benefiting others. Particularly, with macroeconomic stabilization programs, the most affected people were those employed by the government and those relying on government subsidies, such as free health and education, and people whose consumption sources depended on imports. As a result of the government heavy subsidy to health and education; and since many marketed household goods had high import duty, many Kenyans felt the

adverse effects of the macroeconomic stabilization programs. Additionally, employees whose earnings were fixed in nominal terms lost heavily. However, the poor households were impacted more by the adverse effects of stabilization measures as basic services were no longer free and prices of basic commodities fluctuated upwards more frequently. In theory, the hardships associated with both SAPs and macroeconomic stabilization programs were expected to be short-term, while in the long-run, everyone was expected to benefit, though not necessarily in proportion to the amount of suffering experienced during the implementation process (Government of Kenya and UNICEF, 1998; Government of Kenya and National Environment Authority, 2009).

Overall analysis of the effects of SAPs and macroeconomic stabilization programs show that the programs exacerbated the levels of poverty among most of the populations in Kenya (Bryceson, et al, 2010). The country never recovered fully from the adverse effects of SAPS. Echoes of the adverse effects continue to be felt especially among the poorest communities, including the pastoralists living in arid and semi-arid areas, small scale farmers in low potential food producing areas, landless and tiny acreage dwellers and low income and unemployed urban dwellers, usually living in slum environments. Pastoralists, in particular derive their livelihood from the care of livestock. It is estimated that over 85 per cent of the pastoralist household fall below the poverty line. Through the same application, roughly 30 per cent of the small-scale rural farmers, who are increasingly migrating into the semi-arid and arid zones with low potential for agriculture, constitute among the poorest of the poor. Increasingly, over 25 per cent of the rural households in Kenya are now landless or approaching landlessness, and among them over fifteen per cent are classified as destitute. Based on Global Poverty Index Scale, 48.8 per cent, 28.3 percent and 12.9 per cent of Kenyans were classified as being vulnerable to poverty, in severe poverty or destitute respectively by 2014(Oxford Poverty and Human Development Initiative, OPHI, (2017). But the severity of prevalence across the country seemed to follow patterns established earlier as a consequence of exclusionist post-independence development policies and later the adverse effects of SAPS. North Eastern, Western and Coast regions of the country recorded high destitution rates of 48.8 per cent, 17.1 per cent and 16.2 per cent compared to 0.0 per cent, 2.8 per cent and 10.1 per cent recorded for Nairobi, Central and Eastern regions of the

country within the same period (OPHI 2017). Studies that surveyed the adverse effects of SAPS on the population across the country record similar patterns (Quick and Musau, 1994; Government of Kenya and UNICEF, 1992; Government of Kenya and UNICEF, 1998; Government of Kenya and National Environment Authority, 2009).

Kenya ranks among the least developed countries, where the poverty index shows more than 50 per cent of its population is below the global described poverty line (World Bank 2004). Since independence, one of the principal goals of Kenya's development effort has been to reduce poverty. Most of the poor people rely more heavily and directly on local natural resources for their livelihoods than other socio-economic groups due to lack of alternative livelihood options accessible to them (Rietbergen et al., 2002). Poverty is a major cause and consequence of the environmental degradation and resource depletion, where major environmental challenges include deforestation, soil degradation and desertification, declining biodiversity and marine resources (Okwi et al, 2005). Others include water scarcity and deterioration of water and air quality. Poverty hinders access to basic needs such as health care, nutrition and education.

Despite a new 2010 constitution and numerous policy interventions, including provision of development funds such as Free Primary Education (FPE), Secondary Schools Bursary Fund (SEBF), Constituency Development Fund (CDF), Local Authority Transfer Fund (LATF) or Rural Electrification Fund (REF), levels of deprivation remain high in some areas compared to others. A report by the Society for International Development and the Kenya National bureau of Statistics (KNBS/SID 2013), for example showed that one quarter of Kenya's population had no education in 2013. Slightly more than half of the population had primary education only, and 23 per cent of the population had secondary education and above. In the Loima Constituency of Turkana County, however, 93.0 per cent of the population had no education, compared with the Makadara Constituency in Nairobi County where only 8.2 per cent of the population had no education, a difference of 84.8 percentage points. Hence, like it was at independence, geographical location is still a major determinant of vulnerability, deprivation, and opportunity, all of which had been buttressed by government development policy over the decades (KNBS/SID 2013).



A 2017 report by British charity, Oxfam international, confirms these assertions. The report showed that the rich captured the larger share of the benefits of economic growth, essentially widening the gap between the rich and the poor. Less than 0.1 per cent of the population in the country own more wealth than the bottom 99.9 per cent; the number of super-rich in Kenya is one of the fastest growing in the world, with the numbers expected to grow by 80 per cent over the next 10 years. At the same time, there is unequal access to education and health with nearly one million primary school-aged children still out-of-school – the ninth highest number of any country in the world. A quarter of the Kenyan population regularly lack access to healthcare and gender inequalities remain persistent because economic policy creates extreme inequality, and prevents women's economic empowerment. For example, only six per cent of the 96 per cent of Kenya's rural women population works on farms, having title deeds to land (OXFAM, 2017). Clearly, the promise made at independence to spread economic growth evenly across the population has not materialized.

Over the last two decades, the increasing ratio of public debt and the management of that debt has added to the challenges that Kenya faces in pursuance of economic development. The country has relied over the years on external borrowing to fund capital development. This, however, increased in the last two decades. This, coupled by weak economic governance institutions and corruption, has seen the debt and the cost of servicing it rises without commensurate developments on the ground. According to the 2018 Budget Policy Statement, Kenya's Public Debt to GDP ratio for the fiscal year 2017/18 was estimated at 53.0 per cent, while the IMF gave an estimate of 56.2 per cent for 2017 (rising from 44.0 per cent 5-years ago, and 38.4 per cent 10-years ago) (Republic of Kenya, 2018). This means that Kenya will spend approximately 40.3 percent of tax revenues finance debt payments in the fiscal year 2017/18. Debt servicing is likely to limit the amount of funds being sent to the counties as a share of their development budgets and as part of the equalization fund that is meant to redress historical neglect.

## CONCLUSION

The question one is bound to reflect on is how much Kenya has changed in terms of its socio-economic development since independence. In terms of development logic, the country has kept along the path commenced roughly 50 years ago with minimal modifications in policy planning and implementation. For 50 years, centralized planning was pursued, which made individuals and regions with a head start in development indicators benefit more. Because control of political power has been central in mediating access to economic resources, political life and culture in Kenya, over the years, has become violent and insecure as regions and ethnicities work together to shore their numbers at the polls and get access to power and resources. The 2010 Constitution that resulted as a political settlement to cure long-term grievances of exclusion is still under implementation. The Constitution secured broad-based rights for marginalized groups, including their social rights. However, the full implementation of the constitution and enjoyment of these rights is dependent on the growth of the economy. Currently, such growth seems compromised by high population growth rates and government dependency on unsustainable external borrowing. If funding goes to the counties because of debt servicing, grievances from the periphery of marginalization are likely to emerge, in addition to another renegotiation of the regions and ethnic groups' relationship to the state.

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