



REPUBLIC OF KENYA

NATIONAL POLICY ON ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES

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FIRST DRAFT

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FOREWORD

The **National Policy for Ethnic Minorities and Marginalized Communities 2025–2035**, herein referred to as “the Policy,” underscores the unwavering commitment of the Government of Kenya to uphold the rights, dignity, and equitable development of all ethnic minorities and marginalized communities. This Policy aligns with Kenya’s constitutional obligations under Article 27 (Equality and Freedom from Discrimination), Article 43 (Economic and Social Rights), and Article 56 (Minorities and Marginalized Groups) of the Constitution of Kenya. It further operationalizes the global imperative to “leave no one behind,” as enshrined in the Sustainable Development Goals (SDGs)-particularly SDG 1 (No Poverty), SDG 3 (Health and Wellbeing), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice, and Strong Institutions).

The Policy also builds on the National Cohesion and Integration Act (2008), the National Gender and Equality Commission Act (2011), the Persons with Disabilities Act (2003), and the Community Land Act (2016), ensuring alignment with Kenya’s legal architecture for inclusion.

The drafting of this policy adopted a rights-based, consultative and participatory methodology that engaged ethnic minorities and marginalized communities. Consultations were further enriched by inputs from civil society, county governments, and development partners, guided by Kenya Vision 2030’s social pillar. This collaborative process ensures the Policy addresses historical disparities made worse by geographic isolation, cultural barriers, and socioeconomic exclusion.

While Kenya has made strides in inclusive governance, marginalized communities continue to face systemic challenges such as limited access to quality healthcare, education, and clean water in arid and semi-arid lands (ASALs), underrepresentation in decision-making processes at national and county levels, cultural stigmatization and discrimination against minority communities, pastoralist communities, and linguistic minorities, and economic exclusion, with poverty rates in marginalized regions exceeding the national average.

This Policy prioritizes affirmative action, targeted resource allocation, and community-led solutions to alleviate structural barriers. It leverages Kenya’s devolved governance system to empower county governments in delivering culturally responsive services.

By 2035, this Policy envisions a Kenya where all ethnic minorities and marginalized communities enjoy equal opportunities, protection from discrimination, and meaningful participation in

national development. The Government reaffirms its dedication to partnering with other stakeholders, including; grassroots organizations, religious institutions, academia, regional and international bodies to translate this vision into action.

Hon.(Name)

Cabinet Secretary

FIRST DRAFT - FOR INTERNAL CONSULTATIONS

PREFACE AND ACKNOWLEDGEMENT

Kenya is a nation characterised by rich ethnic, linguistic, cultural and religious diversity, comprising over 70 distinct ethnic communities broadly and traditionally classified into Bantu, Nilotic, Cushitic and Asian linguistic families. The largest ethnic communities are Kikuyu, Luhya, Luo, Kamba and Kalenjin, which collectively account for about 70% of the population, with no single community forming an absolute majority. Alongside these major communities, Kenya is home to numerous smaller ethnic minorities, such as the Nubians, Yiaaku, Malakote, Il Chamus. In addition, pastoralist communities, including the Maasai, Borana and various Kalenjin subgroups, who often experience political marginalization, economic exclusion and cultural assimilation.

While we acknowledge that as a nation, we are proud of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible sovereign nation. On the contrary, this diversity, has also been a factor in historical and ongoing interethnic tensions, political rivalries and social inequalities, particularly where certain communities have been favoured in political representation and resource allocation.

The experiences of ethnic minorities and marginalized communities underscore the need for inclusive policies that recognise and protect their rights, dignity, promote equitable development, and foster national unity through respect for ethnic diversity.

This policy aims to explore the dynamics between ethnic minorities and majority communities in Kenya, highlighting their demographic profiles, socio-political challenges and the implications for national cohesion and development. It seeks to contribute to a deeper understanding of Kenya's complex ethnic landscape and to inform strategies that address marginalization and promote inclusive governance.

Hon. (Name)

Principal Secretary

ABBREVIATIONS AND ACRONYMS

ASALs - Arid and Semi-Arid Lands
CAJ - Commission on Administrative Justice
CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women
CERD - Convention on the Elimination of All Forms of Racial Discrimination
CIDP - County Integrated Development Plan
CRC - Convention on the Rights of the Child
EMMC - Ethnic Minorities and Marginalised Communities
FPIC - Free, Prior and Informed Consent
IEBC - Independent Electoral and Boundaries Commission
KLRC – Kenya Law Reform Commission
KNBS - Kenya National Bureau of Statistics
KNCHR - Kenya National Commission on Human Rights
LCIPP - Local Communities and Indigenous Peoples Platform
MMC - Minority and Marginalised Communities
MTP - Medium Term Plan
NCIC - National Cohesion and Integration Commission
NGEC - National Gender and Equality Commission
NSSF - National Social Security Fund
PSC - Public Service Commission
PWDs - Persons with Disabilities
REDD+ - Reducing Emissions from Deforestation and Forest Degradation
SDGs - Sustainable Development Goals
UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC - United Nations Framework Convention on Climate Change

DEFINITION OF TERMS OR TERMINOLOGY

Affirmative Action – Special measures and initiatives designed to redress historical disadvantages and promote equality for ethnic minorities and marginalised communities, including through targeted representation, resource allocation, and social protection.

Community Land – Land lawfully held, managed, and used by a specific community as defined under Article 63 of the Constitution of Kenya, 2010 and the Community Land Act.

Cultural Heritage – The legacy of tangible and intangible attributes of a community, including traditions, languages, rituals, oral history, folklore, customs, beliefs, music, dress, festivals, and sacred sites.

Ethnic Minority – A distinct ethnic community within the population that is numerically smaller and socially, politically or economically disadvantaged in comparison to dominant or majority communities in a given context.

Ethnic Minorities and Marginalised Communities (EMMCs) – Communities who, due to their distinct ethnic, cultural, linguistic, geographic, or socio-economic characteristics, face systemic exclusion and limited access to services, opportunities, and decision-making processes.

Free, Prior and Informed Consent (FPIC) – The right of communities, particularly Indigenous peoples and minorities, to give or withhold consent to projects or actions that may affect their land, resources, culture, or livelihoods, based on adequate information and without coercion.

Inclusion – The process and outcome of ensuring full participation, access to opportunities, and equitable treatment of all individuals, particularly historically excluded or disadvantaged communities.

Indigenous Knowledge Systems – Accumulated traditional knowledge, practices, and innovations developed by communities through interaction with their environment, passed down across generations, and used in agriculture, resource management, medicine, and culture.

Indigenous community – Is a community that has retained and maintained a traditional lifestyle and livelihood based on hunter or gatherer economy

Intersectionality – An analytical framework for understanding how different aspects of a person's identity (such as ethnicity, gender, disability, age, or socio-economic status) intersect and compound to create multiple layers of discrimination or disadvantage.

Marginalization – A structural process through which individuals or communities are excluded from meaningful participation in political, social, economic, and cultural life, often due to identity-based discrimination.

Marginalised Area – A geographic region or community identified in law or policy as underserved or disadvantaged, often due to historical neglect, environmental constraints, or systemic inequality.

Minority and Marginalised Communities Agency (MMC Agency) – The national institutional body established to coordinate the implementation of this policy and to promote the rights and inclusion of ethnic minorities and marginalised communities.

Participatory Development – An approach to planning and decision-making that actively involves communities in identifying their priorities, shaping interventions, and evaluating outcomes.

Self-Identification – The right of individuals and communities to define and assert their ethnic, cultural, or linguistic identity without external imposition or interference.

Social Protection – Policies and programs designed to reduce poverty, vulnerability, and exclusion through interventions such as cash transfers, health insurance, and social assistance for disadvantaged populations.

Statelessness – A condition in which an individual is not recognized as a citizen by any country, limiting access to fundamental rights such as education, healthcare, employment, and identity documents.

Traditional Justice Systems – Community-based mechanisms for dispute resolution that are grounded in customary laws, cultural norms, and traditional authority structures.

Vulnerable Groups – Populations at greater risk of exclusion, harm, or exploitation due to identity-based, economic, legal, or geographic factors, including women, children, persons with disabilities, older persons, and stateless individuals within EMMCs

CHAPTER ONE: INTRODUCTION

1.0 Overview

Despite notable global progress, deepening inequality continues to undermine economic growth, social cohesion, and human dignity. Traditional economic models, particularly those based on trickle-down assumptions, have failed to deliver equitable outcomes. In Kenya and similar contexts, sustained growth has systematically excluded ethnic minorities and marginalized communities, despite constitutional commitments to equality and inclusion.

Inclusive development is therefore essential to dismantle barriers, redress historical marginalization, and advance human rights. This approach directly supports Kenya's national goals and global priorities, from environmental sustainability to inclusive governance, while fulfilling obligations under the UN Charter and the Universal Declaration of Human Rights. These frameworks universally affirm the principles of equality and non-discrimination, regardless of race, gender, age, religion, or status.

This policy establishes a robust national framework to promote inclusion, recognition, empower ethnic minorities and marginalized communities, and redress historical systemic inequities, ensuring that no one is left behind.

1.1 Global Context

Globally, the protection and inclusion of ethnic minorities and marginalized communities is recognized as essential for achieving equitable development, social justice, and sustainable peace. International frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples, Agenda 2030 for Sustainable Development, and the Sustainable Development Goals (SDGs), particularly SDG 10 on reducing inequalities, SDG 16 on access to justice and inclusive institutions, and SDG 5 on gender equality, underscore the global commitment to the rights, dignity, and inclusion of historically disadvantaged populations.

Key decisions adopted under the United Nations Framework Convention on Climate Change, such as the Paris Agreement and the Cancun Decision, underscore the importance of recognizing

Indigenous Peoples' rights, incorporating traditional knowledge into climate strategies, and ensuring their meaningful participation in climate governance, including through mechanisms like the Local Communities and Indigenous Peoples Platform (LCIPP). Similarly, the Convention on Biological Diversity (CBD), particularly Article 8(j), promotes the integration of Indigenous knowledge into biodiversity conservation and calls for equitable access to resources for Indigenous Peoples. In support of these goals, financing mechanisms such as the Cali Fund incorporate affirmative action measures to enhance access to these resources.

The International Labour Organization (ILO) Convention No. 169 on Indigenous and Tribal Peoples also provides a binding international framework for the protection of Indigenous Peoples' rights, including their rights to land, culture, participation, and consultation in matters affecting them.

At the regional level, the African Charter on Human and Peoples' Rights, Agenda 2063, and the Protocol on the Rights of Women in Africa (Maputo Protocol) reflect commitments to cultural rights, justice, and gender equality. The African Commission on Human and Peoples' Rights has also documented the marginalization of Indigenous Peoples in Africa, calling for tailored protections and targeted policy responses.

International development partners, including United Nations agencies and financial institutions such as the World Bank, the African Development Bank (AfDB), and the European Bank for Reconstruction and Development (EBRD), have increasingly embedded social inclusion safeguards and rights-based frameworks into their programming, recognizing the imperative to protect ethnic minorities and marginalized communities in development financing.

Globally, emerging policy trends reflect a shift toward dedicated institutional frameworks for inclusion. Countries such as the Democratic Republic of Congo, Belize, the Philippines, Canada, and Nepal exemplify this through targeted policies and programmes addressing the exclusion of Indigenous Peoples and marginalized groups, offering valuable opportunities for cross-national learning and adaptation.

Kenya's National Policy on ethnic minorities and marginalized communities aligns with these international, regional, and transnational commitments by establishing a comprehensive

framework for inclusive development, cultural preservation, and equitable access to resources and opportunities.

1.2 National Context

Kenya's development, both past and present, has been shaped by entrenched patterns of exclusion and marginalization, particularly of ethnic minorities and marginalized communities. These patterns originated in colonial-era policies that dispossessed Indigenous communities of land and confined them to subordinate roles under colonial administration. Land ordinances enacted between 1894 and 1926, forced displacements during the construction of the Kenya–Uganda Railway between 1896 and 1902, and the Closed Districts policy introduced in 1902, which isolated the Northern Frontier Districts under the pretext of security, exemplify these exclusionary practices.

Following independence in 1963, attempts to establish regional governance structures through Majimboism were short-lived. The adoption of Sessional Paper No. 10 of 1965, which directed resources toward so-called "high potential areas," further entrenched geographic and ethnic disparities in access to development opportunities. Consequently, marginalization in Kenya has historically taken the form of exclusion from political participation, economic integration, and equitable access to social services.

Kenya's 2010 constitution marked a turning point by affirming the rights of all citizens and explicitly recognizing the need to protect and empower marginalized communities. Article 56 mandates affirmative action to ensure the full participation of minorities and marginalized groups in social, economic, and political life. Additionally, Article 2(6) affirms that international treaties ratified by Kenya, including those protecting the rights of Indigenous peoples and minorities, form part of Kenyan law.

Notwithstanding legislative and policy measures such as the National Cohesion and Integration Act (Cap. 7N), the Equalization Fund and Vision 2030, progress on reducing inequality remains elusive. Implementation is fragmented and poorly coordinated, with resources insufficiently targeted. Moreover, the devolution framework, designed to promote inclusive governance and local development, has at times generated new exclusions and intensified competition for county-level resources.

Kenya's ethnic minorities and marginalized communities, despite facing challenges, are not just victims of exclusion but key contributors to national identity, environmental stewardship, economic growth and sustainable development. Their Indigenous knowledge, languages, cultural innovations, and traditional practices provide essential enrichment. Article 11 of the Constitution enshrines this role, affirming culture as the nation's foundation and mandating the promotion and safeguarding of Indigenous heritage in all policy and development planning.

This policy therefore responds to the continued structural exclusion of ethnic minorities and marginalized communities by establishing a comprehensive, rights-based framework to address historical injustices, bridge implementation gaps, and affirm the agency of these communities as active partners in Kenya's inclusive and sustainable development.

1.3 Policy Issue

Kenya faces a deeply rooted, structural, and systemic challenge in fully including ethnic minorities and marginalized communities in its national development agenda. Despite constitutional provisions guaranteeing equality, non-discrimination and affirmative action, these communities continue to face profound and interconnected barriers to meaningful participation in economic, political, social, and cultural life.

The core of the problem lies in entrenched socio-economic marginalization. These communities, often located in arid and semi-arid regions, community forests, and border areas, have limited access to essential services and economic opportunities. Poverty rates remain significantly higher among them, with a large proportion living below the national poverty line and experiencing chronic food insecurity driven by geographic isolation, poor infrastructure, environmental degradation, sporadic insecurity, and minimal integration into formal markets and public service systems (KNBS Poverty Report, 2022).

Their political voice and representation are similarly constrained. Despite the promise of devolved governance, ethnic minorities and marginalized communities remain significantly underrepresented in public offices, policymaking platforms, and civil service positions. This is perpetuated by historical power imbalances, the dominance of larger ethnic groups, limited access to education, and low civic engagement, all of which curtail their ability to influence decisions affecting their communities.

At the heart of this marginalization lies persistent insecurity over land and natural resources. Many ethnic minorities and marginalized communities, including pastoralists, forest dwellers, and Indigenous peoples, lack formal land tenure and face constrained access to land and resources. In addition to forced evictions and displacement, these communities contend with flawed policy frameworks, including the Forest Conservation and Management Act, 2016, which primarily recognizes Community Forest Associations (CFAs) to the exclusion of Indigenous Forest peoples. Other threats include the establishment of military bases and the expansion of nature-based carbon offset projects on ancestral lands. These actions are often carried out without Free, Prior, and Informed Consent (FPIC) or fair and equitable compensation, eroding traditional livelihoods, threatening cultural survival, and hindering intergenerational knowledge transfer.

Compounding these challenges is the erosion of cultural identity under pressures of assimilation and systemic discrimination. Traditional languages and practices are declining, particularly among younger generations, due to societal stigma and insufficient support for cultural preservation. Intersectional barriers further marginalize women, girls, PWDs, the elderly, and other vulnerable individuals, limiting their access to education, healthcare, leadership roles, and protection from violence.

Disparities in infrastructure investment, particularly in transport, health, education, and electricity, leave entire regions underserved and severely constrain access to justice and social services. Physical distance, intensified by poor transport, high legal costs, and discriminatory practices, such as language and literacy barriers and unequal access to technology, deters community members in remote areas from seeking redress. The lack of representation from these communities in judicial institutions and enforcement agencies further deepens their exclusion from national governance and service delivery systems, reinforcing systemic marginalization and limiting their ability to claim rights or influence decision-making processes. Furthermore, there is a persistent trend of weak or non-implementation of favorable court decisions and task force recommendations concerning ethnic minorities and marginalized communities. Long-standing cases, such as the Ogiek of Mau Forest, whose struggle for the recognition of their ancestral land rights remains unfulfilled; the Ogiek of Chepkitala, who continue to seek restitution and protection of their forest-based livelihoods; and the Ilchamus, whose prolonged battle over land degradation caused by the

invasive Mathenge weed (*Prosopis juliflora*) remains unresolved, reflect institutional apathy and a failure to honor judicial outcomes.

Ultimately, the persistent exclusion of ethnic minorities and marginalized communities from Kenya's economic, social, political, and legal fabric reflects a broader failure to dismantle systemic inequities. Without a comprehensive, cross-sectoral policy response that affirms their rights, strengthens their institutions, and ensures their active participation in national development, Kenya risks perpetuating cycles of inequality and instability that undermine its constitutional and development goals.

1.4 Rationale

Recognizing, protecting, and promoting the rights of ethnic minorities and marginalized communities, including equality, dignity, self-determination, participation, access to justice, freedom from discrimination, and cultural identity, are essential for national unity, stability, and sustainable development.

Although the Constitution of Kenya firmly enshrines the rights of vulnerable and marginalized communities—through provisions such as Article 10(2)(b) on national values and principles of governance; Article 19(2) on the purpose of rights; Article 20(5)(b) on the application of economic and social rights to vulnerable groups; Article 21(3), which obligates all State organs and public officers to address the needs of vulnerable and marginalized groups; Article 27(4) prohibiting discrimination; Article 56 mandating affirmative action for minorities and marginalized groups; Article 100 requiring legislation to promote the representation of marginalized groups; Article 174(e) promoting the rights of marginalized communities through devolution; and Article 260, which defines marginalized communities and groups—their implementation has remained uneven.

This is largely due to fragmented interventions, systemic bias in favour of dominant groups, and a persistent lack of sustained political will, meaningful community engagement and adequate institutional capacity to effect transformative change. These shortcomings have undermined efforts to redress historical injustices and dismantle systemic exclusion, underscoring the urgent need for a comprehensive policy framework to actualize the Constitution's promise of equality, non-discrimination and inclusion.

The National Policy on ethnic minorities and marginalized communities provides this framework, advancing equity, cultural heritage, and meaningful participation, while operationalizing Kenya's commitments under Article 56 of the Constitution, Vision 2030, and international human rights obligations. It is a critical step toward realizing the global agenda of leaving no one behind by ensuring that all communities, regardless of identity, are equally included in Kenya's development processes.

1.5 Policy Goal

To ensure the recognition, full inclusion, empowerment, self-determination, and protection of ethnic minorities and marginalized communities in Kenya.

1.6 Policy Objectives

The specific objectives of the policy are to:

- (a) Advance socio-economic opportunities, education, and employment for ethnic minorities and marginalized communities to reduce disparities in wealth and well-being.
- (b) Guarantee meaningful participation and representation of ethnic minorities and marginalized communities in local and national decision-making processes.
- (c) Legally recognize and safeguard the land, resources, and cultural identities of indigenous, ethnic minorities and marginalized communities.
- (d) Implement targeted programs to eliminate discrimination based on ethnicity, gender, age, or disability.
- (e) Improve the capacity, coordination, and accountability of institutions to deliver equitable justice, public services, and social protection to ethnic minorities and marginalized population.

1.7 Guiding Principles

The implementation of this Policy is guided by principles reflecting Kenya's constitutional values and international human rights obligations, as follows:

- **Rights-Based Approach:** The policy is anchored in the Constitution and affirms that all ethnic minorities and marginalized communities are entitled to the full enjoyment of human rights and fundamental freedoms.
- **Equality and Non-Discrimination:** All individuals will be treated equally before the law. No person or group will be discriminated against based on ethnicity, culture, language, gender, disability, or socio-economic status.
- **Equity and Social Justice:** The policy promotes the fair and just distribution of opportunities, resources, and services, with a particular focus on historically disadvantaged groups.
- **Inclusion and Participation:** Ethnic minority and marginalized communities will actively participate in decision-making processes at all levels. Their right to free, prior, and informed consent will be upheld in the development and execution of all policies and programmes that impact them.
- **Promotion and Protection of Cultural Identity:** Kenya's ethnic, cultural, and linguistic diversity will be actively preserved, protected, and promoted as a source of national strength and unity.
- **Affirmative Action:** Special measures will be taken to redress past and present disadvantages faced by ethnic minorities and marginalized communities, in line with Article 56 of the Constitution, to ensure genuine equality.
- **Accountability and Good Governance:** State and non-state actors responsible for implementing this policy will be accountable for doing so transparently, efficiently, and in accordance with the law.

- **Self-Identification:** Ethnic minority and marginalized communities will have the right to define and assert their own identity and status without external interference.
- **Intersectionality:** The policy acknowledges that overlapping identities, such as ethnicity, gender, age, and disability, shape people's experiences of exclusion and inequality, and therefore must inform all policy responses.
- **Transparency:** All processes and decisions relating to this policy will be open, easily accessible, and subject to public scrutiny and review.
- **Sustainability and Resilience:** Policy interventions will promote long-term inclusion and strengthen community resilience to ensure lasting impact beyond individual project cycles.

1.8 Scope of the Policy

This policy offers a comprehensive framework to address the persistent exclusion of ethnic minorities and marginalized communities in Kenya. It applies across all sectors and levels of government and is grounded in the constitutional principles of equality, non-discrimination, respect for human rights, and affirmative action.

The policy directly confronts the root causes of exclusion, including structural and historical marginalization, geographical and infrastructural disparities, and gender-based and intersectional inequalities. It promotes equitable access to essential services such as education, water, healthcare, land, justice, cultural resources, environmental rights, security, and public services, while also actively safeguarding the cultural identity, languages, and indigenous knowledge systems of affected communities.

Furthermore, it emphasizes the importance of meaningful participation in governance, employment, and economic opportunities for all marginalized groups. These include, but are not limited to, pastoralist communities, indigenous peoples, hunter-gatherers, forest-dwelling groups, and minority ethnic populations, particularly those living in remote and underserved areas.

To ensure its continued relevance and effectiveness, the policy mandates regular reviews and inclusive community consultations, allowing for adaptation to emerging challenges and the evolving needs of the communities it serves.

1.9 Structure of the Policy

The National Policy on ethnic minorities and marginalized communities is structured into five Chapters. Chapter One provides the introduction and background, outlining both national and international contexts of marginalization in Kenya and defining the policy's goals and strategic direction. Chapter Two presents a situational analysis, highlighting the current status, challenges, and gaps in the inclusion of marginalized communities. Chapter Three outlines the Government's official policy statements and commitments to addressing these issues. Chapter Four provides a framework for implementation, detailing the roles and responsibilities of national and county governments, civil society, communities, and development partners, with an emphasis on coordination and accountability. Chapter Five establishes a monitoring and evaluation framework to track progress, ensure accountability, and support regular policy reviews and updates in response to evolving needs and challenges.

CHAPTER TWO: SITUATIONAL ANALYSIS

2.1 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

There are multiple international and local legislative frameworks for the protection of the rights of ethnic minorities and marginalized communities. Notwithstanding ratifying, signing or acceding to some of these frameworks, Kenya still lags behind in their implementation.

2.1.1 International and Regional Instruments

Kenya is a party to multiple regional and international human rights instruments that reinforce its constitutional duty to protect minority and marginalized populations, imposing legal and moral obligations to uphold non-discriminatory protection and enjoyment of rights for all.

Key international instruments provide a foundation for these rights. These include the Universal Declaration of Human Rights (UDHR); the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR); the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); the Convention on Biological Diversity (CBD), particularly Article 8(j) which recognizes the role of Indigenous knowledge; the United Nations Framework Convention on Climate Change (UNFCCC); International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples; the United Nations Convention to Combat Desertification (UNCCD); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD), which was the first human rights treaty to explicitly recognize discrimination due to intersectionality.

At the regional level, Kenya is bound by instruments that contextualize these rights within Africa. The African Charter on Human and Peoples' Rights (ACHPR) affirms the rights to equality and self-determination. It is complemented by the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). Other critical frameworks include the African Charter on the Rights and Welfare of the Child (ACRWC), the African Union (AU) Agenda 2063, the African Youth Charter, and the Declaration on Land Issues and Challenges in Africa (2009).

Kenya's membership in key international institutions such as the United Nations and the African Union commits the country to upholding principles of equality. Through periodic reporting and reviews, Kenya is held accountable for ensuring implementation of rights to foster inclusive development for all its citizens.

2.1.2 Policy and Strategic Frameworks

Kenya's development and human rights agenda is supported by several national policies that underscore the commitment to equity, inclusion, and the protection of marginalized groups.

Sessional Paper No. 10 of 2012 on Kenya Vision 2030 positions equity and inclusion as key enablers of economic transformation. It emphasizes the need to reduce disparities across regions and population groups to foster sustainable national development.

Sessional Paper No. 3 of 2014 on National Policy and Action Plan on Human Rights reaffirms the government's obligation to respect, protect, and fulfil human rights. It commits to mainstreaming human rights principles across all sectors of governance, ensuring that development initiatives are inclusive and rights-based.

The Social Protection Policy, 2023 outlines measures for establishing comprehensive safety nets aimed at cushioning vulnerable and marginalized populations. It provides a framework for cash transfers, social assistance, and contributory schemes to mitigate poverty and promote social inclusion.

The National Policy on Peacebuilding and Conflict Management, 2011 highlights ethnic and resource-based marginalization as key drivers of conflict. The policy advocates for inclusive approaches to peacebuilding that address underlying inequalities and historical injustices affecting marginalized communities.

The National REDD+ (Reducing Emissions from Deforestation and Forest Degradation) Strategy protects the welfare of forest-dwelling EMMCs, such as the Ogiek, Sengwer, and Aweer, by shifting their role from potential victims of conservation to central partners in climate action. Historically, "forests conservation" has led to the eviction and marginalization of these communities from their ancestral forests. This strategy, however, recognizes them as strategic rights holders and stewards of forest ecosystems. It establishes frameworks for their meaningful participation in forest governance and creates pathways for them to benefit directly from results-based payments for

carbon emission reductions (carbon credits). Through its emphasis on social safeguards, the strategy is designed to prevent harm, secure land tenure within forest areas, and ensure that the benefits of forest conservation are shared equitably, thereby promoting both environmental sustainability and the livelihoods of the communities who depend on these forests.

The National Land Policy (2009) seeks to protect EMMCs by directly confronting Kenya's history of land injustice and insecure tenure, which has disproportionately affected them. It recognizes the unique land-use systems of communities like pastoralists and hunter-gatherers, whose customary and ancestral claims have often been ignored by formal law. The policy provides for the legal recognition, protection, and registration of community land, laying the groundwork for the Community Land Act of 2016. By creating mechanisms for the redress of historical land injustices and securing community rights over ancestral lands and resources, the policy aims to protect EMMCs from land grabbing and arbitrary displacement. Ultimately, it promotes their welfare by securing their most critical asset—land—which is the bedrock of their economic livelihood, cultural identity, and spiritual well-being.

The Sector Policy for Learners and Trainees from Marginalized and Vulnerable Groups (2018) is specifically designed to dismantle the systemic barriers that have denied generations of children from EMMCs their right to education. It recognizes that conventional schooling models are often incompatible with the lifestyles of communities in ASAL and other marginalized regions, particularly nomadic pastoralists. To promote their welfare, the policy advocates for innovative and flexible educational solutions, such as the establishment of mobile schools, low-cost boarding facilities, and the provision of school feeding programs to improve enrolment and retention. It also calls for the development of culturally relevant curricula that respects and incorporates the heritage and knowledge of these communities. By providing a targeted framework for affirmative action in education, the policy aims to close the vast educational gap and empower EMMC children with the skills needed for social and economic mobility.

The National Gender and Equality Commission (NGEC) Strategic Plans provide a critical institutional framework for protecting the rights of EMMCs through oversight, research, and advocacy. As a constitutional commission, NGEC's mandate is to ensure compliance with the principles of equality and non-discrimination for all special interest groups, explicitly including ethnic minorities and marginalized communities. Its strategic plans operationalize this mandate by

outlining activities such as conducting periodic audits on the diversity of public service employment, investigating complaints of systemic discrimination, and monitoring the implementation of laws and policies related to marginalization. By focusing on intersectionality, the NGECC highlights how overlapping identities (e.g., being a woman with a disability from a minority community) create unique vulnerabilities. The commission's plans therefore promote the welfare of EMMCs by acting as a public watchdog, holding state and non-state actors accountable for their constitutional obligations to protect and include all citizens.

The National Adaptation Plan (NAP 2015 – 2030) protects the welfare of EMMCs by prioritizing actions to build their resilience against the severe and disproportionate impacts of climate change. It acknowledges that EMMCs, particularly those in ASAL regions, are on the frontlines of the climate crisis, facing existential threats from prolonged droughts, floods, and resource scarcity that devastate their climate-sensitive livelihoods like pastoralism and rain-fed agriculture. The NAP promotes their well-being by directing investments and interventions—such as developing resilient water sources, promoting drought-tolerant crops and livestock breeds, and strengthening early warning systems—towards these most vulnerable regions. Critically, it also recognizes the value of integrating Indigenous and traditional knowledge into adaptation planning, thereby empowering communities to use their time-tested coping mechanisms to navigate climate change and secure their food security and survival.

The National Action Plan of Legal Aid (NAP-LA) is a critical framework designed to operationalize the constitutional right to access justice, specifically for ethnic minorities and marginalized communities (EMMCs) who are systematically excluded from the formal legal system. Recognizing that poverty, vast geographical distances, language barriers, and low legal literacy render justice unattainable for these communities, the NAP-LA seeks to bridge this gap by decentralizing legal services. It outlines strategies to establish a network of state-funded legal aid schemes, support community-based paralegals, and roll out mobile legal aid clinics in remote and ASAL regions. By providing free legal advice, representation, and public legal education directly within these communities, the plan protects EMMCs from rights violations such as illegal evictions and discrimination. More importantly, it promotes their welfare by empowering them with the tools to actively claim their constitutional rights to land, resources, and social services, thereby transforming the law from a distant threat into a tangible instrument for justice and self-determination.

Other relevant policies include the ASAL Policy, National Youth Policy (2019) and the Alternative Justice Systems (AJS) Policy (2020).

2.1.3 The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 provides a strong normative and institutional foundation for protecting the rights of EMMCs, through **Article 10** (National Values), **Article 27** (Equality and Freedom from Discrimination), **Article 56** (Minorities and Marginalized Groups), **Article 204** (Equalization Fund), and **Article 100** (Representation of marginalized groups).

2.1.4 Legislative Frameworks

This policy is supported by key Acts of Parliament, including The National Cohesion and Integration Act, The County Governments Act, The Basic Education Act, The Persons with Disabilities Act, The Elections Act, The Climate Change Act, and The Forest Conservation and Management Act, 2016. Despite this range of legal instruments, this policy highlights various challenges that stem, in part, from gaps in the effective coordination of EMMC issues across Ministries, Agencies and levels of Government. There is therefore an urgent need to strengthen Kenya's legal and institutional framework to support the achievement of various constitutional imperatives, including affirmative action programmes meant to protect and promote the welfare of EMMCs.

2.2 CHALLENGES FACING ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES

Recognizing Indigenous peoples and ethnic minorities is crucial for addressing historical injustices and ensuring equitable access to resources. It affirms their unique identities and enables inclusive policy-making that responds to their specific needs, ultimately promoting social cohesion, justice, and sustainable peace.

2.2.1 Absence of a Coordinated Legal, Policy and Institutional Framework for EMMC Inclusion in Kenya

While many countries around the world have established dedicated institutional frameworks to protect and advance the rights of ethnic minorities and Indigenous peoples, Kenya continues to operate without a unified or independent coordinating mechanism. For instance, Mexico has set up the National Institute of Indigenous Peoples (INPI- Instituto Nacional de los Pueblos Indígenas), Panama has a Vice-Ministry of Indigenous Affairs, and both Norway and Sweden have Sámi

Parliaments, specialized institutions that provide representation, preserve cultural identity, and promote inclusive governance. In contrast, Kenya's efforts remain fragmented, with mandates scattered across various ministries and agencies. The absence of a central policy anchor or statutory coordination body has resulted in inconsistent policy implementation, limited accountability, and the persistent failure to integrate EMMC concerns into core areas such as national development, land and resource governance, political participation, and access to public services.

2.2.2 Socio-Economic Inclusion and Resilience

The poorest of the poor in Kenya are disproportionately from EMMCs, particularly pastoralists, hunter-gatherers, and fisherfolk, who predominantly reside in the 80% of Kenya's land that is arid and semi-arid (ASAL). They face extreme poverty, with up to 90% of households in some areas classified as poor.

Livestock production, the backbone of pastoralist economies, is severely constrained by historical underinvestment and policies that often misunderstand or criminalize pastoral mobility, a critical drought-coping mechanism. The 2021-2023 drought alone resulted in the loss of over 2.5 million livestock, devastating livelihoods. Educational and healthcare access remains abysmal, with some regions having a doctor-to-population ratio of 1:30,000, far below the national average of 1:5,000.

Educational inequalities remain stark. Though supported by the Early Childhood Education Act, (Cap. 211B), the Basic Education Act (Cap. 211), and the Kenya Sector Policy for Learners with Disabilities (2018), children domiciled in hardship and hard to reach regions experience challenges such as long distances to schools and insecurity.

Critical shortage of healthcare services in marginalized regions: Notwithstanding the Kenya Health Policy (2014–2030), the Universal Health Coverage Policy (2020-2030), the Health Act (Cap. 241), and the Public Health Act (Cap. 242), marginalized regions experience severe shortages in healthcare services, some with a doctor-to-population ratio of 1:30,000, far below the national average of 1:5,000.

Inadequate funding and delays in the disbursement of resources allocated for the development of marginalized areas: The Equalization Fund, designed to accelerate development in marginalized areas, has been undermined by delays and lack of transparency (KIPPRAs; Auditor General, 2023).

Affirmative action in employment: Affirmative action under the County Government Act (Cap. 265) and Diversity Policy (2016) has raised minority representation in public service from 12% in 2016 to 18% in 2024. However, only 13 out of 47 counties have met the 30% employment threshold for non-dominant ethnic groups (NCIC Ethnic and Diversity Audit Report, 2023) with some minorities represented at less than 2%.

2.2.3 Political Participation and Representation

The Constitution of Kenya under Articles 10, 27, 56, and 100 guarantees equality, non-discrimination and affirmative action for ethnic minorities and marginalized communities. Kenya's electoral laws ensure political inclusion of ethnic minorities and marginalized communities through proportional representation (Sections 98 and 177 of the Elections Act (Cap. 7)) and mandatory inclusion in political party nominations (Political Parties Act (Cap. 7D)). These laws promote equity by requiring the representation of diverse ethnic groups in leadership and candidate selection. However, political participation and representation of ethnic minorities and marginalized communities remains severely constrained by structural and institutional barriers.

Under representation in Political Institutions: Ethnic minorities and marginalised communities remain virtually absent in county assemblies and Parliament. Cases like the African Commission on Human and People's Rights vs. the Republic of Kenya (the Ogiek case, 2017) and Republic v. IEBC (2017) highlight the underrepresentation of ethnic minorities in political institutions, emphasizing the need for more inclusive political frameworks. Similarly, the Katiba Institute v. Attorney General (2018) emphasized gaps in ensuring minority participation in governance.

In addition, while the Constitution of Kenya outlines the State's general obligations concerning the political representation of ethnic minorities and marginalized communities (EMMCs), it does not expressly establish a specific category under which EMMCs may be nominated to either House of Parliament. At the county assembly level, Article 177 explicitly provides for the representation of marginalized groups. However, this provision faces implementation challenges due to the lack of criteria or tool for identifying who consists of minorities both at the national and county levels.

Dilution through Electoral Boundaries: Constituency and ward boundaries fragment minority populations, weakening collective voting power and conflicts with Article 89 of the Constitution. Example: The Sengwer are split across five constituencies in three counties (KNCHR, 2022), Cases

like *Katiba Institute v. IEBC* (2018) and *Wandayi v. IEBC* (2017) highlighted how redrawing electoral boundaries has diluted ethnic minority representation and undermined political inclusion.

Historical Exclusion and Citizenship Struggles: Communities such as the Nubians, Makonde, and Shona advocated for their grant of Kenyan citizenship for decades. Their non-recognition and subsequent statelessness had delayed their participation in elections and civic affairs (*Katiba Institute v. Attorney General* (2018) and Nubian case referenced as *Amnesty International v. Kenya* (2013)).

Lack of a National Inclusion Framework: Article 100 of the Constitution calls upon Parliament to enact legislation to promote the representation of marginalized groups. The absence of this law has resulted in piecemeal, uncoordinated measures to promote the representation of ethnic minorities and marginalized communities across all legislative assemblies at the national and county levels.

Opaque and Politicized Nomination Processes: The process of nominating ethnic minorities and marginalized communities in County Assemblies and Parliament lacks transparency and is seldomly informed by community consultations. This has undermined the intended benefits of those nominations and sidestepped genuine beneficiaries. A 2021 KNCHR review found that only 12% of such nominations followed inclusive processes. Political parties have also been found to favour certain groups over others in nominations, undermining fair representation (*Katiba Institute v. Attorney General* (2018)).

Marginalization in Devolved Units: One of the objects of devolution under Article 174 of the Constitution is to protect and promote the interests and rights of minorities and marginalized communities. The implementation of devolved structure of government has however largely entrenched local ethnic majorities. Ethnic minorities continue to experience political exclusion at ward and county levels (KHRC – *Devolved Governance Through a Human Rights Lens* (2019) and Afrobarometer – *Kenyans Give Mixed Score on Devolution and Call for Better Participation* (2021)).

Socioeconomic Barriers to Political Entry: Ethnic minorities, often living in arid and underserved regions, experience poverty, poor infrastructure and limited education—all of which limit political mobilization and candidacy (KIPPRA – *Enhancing the Protection of Marginalized Communities in Kenya through Representation in Employment* (2024) and Minority Rights Group International –

Rapid Assessment Survey Report: Barriers to Participation of PWDs in Kenya's 2022 General Elections (2023)).

2.2.4 Land & Natural Resource Rights

The land rights of EMMCs are under constant threat. Historical land injustices remain unresolved, and the issuance of community land titles under the Constitution is agonizingly slow. This leaves communities with insecure customary tenure, vulnerable to evictions and encroachment driven by private development, agribusiness, and even state-led conservation.

With respect to exploitation of natural resources, EMMCs are systematically excluded from benefit-sharing arrangements for resources extracted from their lands, including minerals, water, and renewable energy. Large-scale infrastructure projects like the LAPSET corridor and geothermal exploration often proceed without their Free, Prior, and Informed Consent (FPIC), leading to displacement and loss of livelihoods. Furthermore, the cultures of communities like the Maasai, Samburu, Ogiek, and Endorois are used to market Kenya's tourism sector, yet these communities receive negligible economic benefits.

2.2.5 Cultural Heritage, Diversity and Identity

EMMCs face acute cultural attrition. Pressure to assimilate, coupled with the dominance of majority cultures in national curricula and media, erodes their languages and traditions. Displacement for conservation efforts, which has affected communities like the Ogiek of the Mau Forest and the Sengwer of Embobut, severs their spiritual and physical connection to ancestral lands, disrupting the intergenerational transfer of indigenous knowledge essential for their identity and survival.

2.2.6 Intersectionality and Empowerment

Within EMMCs, marginalization is compounded by intersecting identities. A woman with a physical disability in a pastoralist community, for instance, faces a higher risk of being left behind during conflict, is more vulnerable to gender-based violence, and is almost always excluded from community decision-making. Youth from EMMCs constitute a disproportionate share of the unemployed, trapped in cycles of poverty by geographic isolation and inadequate education. The elderly are often cut off from social safety nets due to a lack of documentation and cultural barriers.

2.2.7 Access to Infrastructure and Basic Services

Marginalized regions are characterized by a stark infrastructure deficit. Road networks are often impassable, isolating communities from markets and essential services. As of 2015/16, only 20% of households in marginalized areas were connected to the electricity grid, compared to 73.9% in majority communities. This "digital divide" is deepened by limited internet access and low digital literacy, preventing EMMCs from participating in the modern economy.

2.2.8 Access to Justice

For EMMCs, justice remains distant and unaffordable. Structural barriers—including poverty, physical distance to courts, and language barriers—are immense. The statelessness of communities like the Nubians has historically blocked their access to fundamental rights and legal recourse. This justice deficit forces many to rely on traditional systems that, while accessible, may not always align with constitutional principles of human rights, particularly for women and children.

2.2.9 Social Protection

Despite a robust policy framework, social protection programs are a mirage for many EMMCs. Cash transfer and drought relief initiatives suffer from poor targeting and implementation gaps, with one review showing only 40% of intended beneficiaries in arid counties received funds during a recent drought. This leaves the most vulnerable households without a safety net during climate and economic shocks.

2.2.10 Climate Resilience and Food Security

EMMCs are on the frontlines of the climate crisis. Rising temperatures and prolonged droughts are devastating the pastoralist and agro-pastoralist livelihoods that sustain them. Climate change acts as a "threat multiplier," intensifying resource scarcity and driving food insecurity. Traditional adaptation strategies, such as pastoral mobility, are vital for survival but are often constrained by administrative boundaries and land fragmentation. International best practices from the Green Climate Fund in countries such as Panama, Ecuador and Namibia emphasize the need to channel climate finance directly to support such community-led adaptation measures.

2.2.11 Conflict, Insecurity, and Peacebuilding

Marginalized areas, particularly the ASAL regions of Northern and North-Rift Kenya, are epicentres of conflict and insecurity, which function as both a cause and a consequence of their

marginalization. These conflicts are driven by a complex interplay of factors such as resource-based conflicts, commercialized cattle-rustling, historical grievances and political incitement as well as state security vacuums.

Competition over scarce pasture, water points, and land is a primary driver of inter-communal violence. This is severely exacerbated by climate change, environmental degradation, and population growth, leading to deadly clashes in areas like the Kerio Valley and the counties of Baringo, Marsabit, Samburu, and Turkana.

The traditional practice of cattle raiding has morphed into a violent, organized criminal enterprise. It is fueled by the proliferation of illicit small arms and facilitated by cross-border criminal networks that treat livestock as a high-value commodity, leaving a trail of death and destitution.

Unresolved historical land injustices and perceived political exclusion create a fertile ground for conflict. These tensions are often deliberately manipulated by political elites who mobilize ethnic identities for electoral gain, inciting violence to displace rival communities and consolidate political control.

The state's security apparatus is often thin, ill-equipped, and slow to respond in these vast and remote regions. This security vacuum compels communities to acquire arms for self-defense, perpetuating a deadly cycle of retaliatory violence.

The human cost of this insecurity is immense, leading to loss of life, mass displacement, destruction of livelihoods, and the disruption of essential services like education and healthcare. Women and children bear the heaviest burden, facing heightened risks of violence, abduction, and malnutrition. Existing peacebuilding initiatives are often reactive, underfunded, and fail to address the root causes of conflict. A sustainable peace can only be achieved through a holistic approach that tackles the underlying drivers: systemic marginalization, poverty, climate vulnerability, and injustice.

CHAPTER THREE: POLICY STATEMENTS AND INTERVENTIONS

3.0 Introduction

This chapter outlines the Government of Kenya's official policy commitments for addressing the systemic exclusion and historical injustices faced by ethnic minorities and marginalised communities (EMMCs). The chapter responds to the specific challenges highlighted in Chapter Two and provides a clear set of strategic policy statements, objectives, and interventions. It also assigns institutional responsibility to relevant actors at national and county levels to ensure coordinated and effective implementation.

3.1 Establishment of a Coordinated Legal, Policy and Institutional Framework for EMMC Inclusion

Policy Statement: The Government will establish and operationalise a comprehensive and coordinated legal, policy and institutional framework to harmonise all interventions targeting ethnic minorities and marginalised communities.

Key Interventions:

- Enact enabling legislation to give effect to this policy.
- Establish and operationalise the MMC Agency under the Executive Office of the President.
- Institutionalise MMC focal points within each ministry, department, agency and county government.
- Develop and adopt national and county inclusion guidelines and action plans.
- Create inter-ministerial and inter-county technical working groups to ensure alignment.

3.2 Socio-Economic Inclusion and Resilience

Policy Statement: The Government will ensure EMMCs benefit from targeted empowerment programs, infrastructure investments, and affirmative action to address vulnerabilities and build resilience.

Key Interventions:

- Enforce affirmative action in public service employment.
- Expand access to microfinance, mobile credit, and cooperatives.
- Implement market integration through road and storage infrastructure.
- Scale climate-resilient livelihoods and indigenous food systems.
- Invest in vocational training for pastoralist, hunter-gatherer, and fisherfolk communities.

3.3 Political Participation and Representation

Policy Statement: The Government will guarantee meaningful political inclusion of ethnic minorities and marginalized communities (EMMCs) at all governance levels through inclusive systems that eliminate structural barriers.

Key Interventions:

- Enact legislation under Article 100 of the Constitution.
- Amend Elections and Political Parties Acts for inclusive nominations.
- Strengthen boundary delimitation to preserve community cohesion.
- Promote civic education and leadership development programs.
- Institutionalise ethnic minorities and marginalised communities' participation in county planning and budgeting.

3.4 Land and Natural Resources Rights

Policy Statement: The Government will legally recognize, protect, and enforce the land and natural resource rights of ethnic minorities and marginalized communities (EMMCs) through community-led governance, redress of historical injustices, and equitable benefit-sharing.

Key Interventions:

- Issue community land titles under Article 63 and the Community Land Act, prioritizing historically dispossessed groups.
- Provide legal redress and compensation for historical land grievances.
- Integrate traditional ecological knowledge into national environmental governance frameworks.
- Fast-track implementation of court rulings on EMMC land rights.

- Enforce mandatory Free, Prior, and Informed Consent (FPIC) protocols for land and resource projects, with penalties for violations.
- Establish a Geographic Information System (GIS) based digital registry to track EMMC territories and natural resource extraction.
- Create EMMC-led committees for sustainable resource management and benefit-sharing.

3.5 Cultural Heritage, Diversity and Identity

Policy Statement: The Government will safeguard the cultural and linguistic heritage of ethnic minorities and marginalised communities as integral to Kenya's national identity.

Key Interventions:

- Identify, gazette, and protect cultural sites and languages.
- Include minority histories and cultures in national curriculum and media.
- Support language revitalisation through community schools and local content.
- Register communities and streamline access to civil documentation.
- Strengthen protection of traditional knowledge systems.

3.6 Intersectionality and Empowerment

Policy Statement: The Government will implement intersectional policies addressing the multiple vulnerabilities of women, youth, PLWDs, and the elderly within EMMCs.

Key Interventions:

- Ensure inclusive education, nutrition, and healthcare for EMMC children.
- Promote youth access to employment, education, and leadership opportunities.
- Implement disability-inclusive infrastructure, social protection, and services.
- Expand healthcare and income support for older persons in marginalised areas.
- Recognise and protect intersex persons through legal and civil registration reforms.
- Prevent and respond to gender-based violence through community-led protection and legal mechanisms.

3.7 Access to Infrastructure and Basic Services

Policy Statement: The Government will prioritise roads, schools, healthcare, water, and ICT infrastructure development in regions inhabited by ethnic minorities and marginalised communities.

Key Interventions:

- Accelerate rural electrification and renewable energy rollout.
- Expand road networks and connectivity using the Equalization Fund.
- Improve ICT access through broadband, public Wi-Fi, and digital literacy.
- Construct and equip health and education facilities in underserved areas.

3.8 Access to Justice

Policy Statement: The Government will safeguard the rights of EMMCs and ensure their equal and affordable access to justice.

Key Interventions:

- Establish mobile courts and legal aid centers in remote areas.
- Institutionalize paralegal training and community legal education.
- Integrate Alternative Dispute Resolution (ADR) and Traditional Justice Systems.
- Eliminate statelessness through inclusive documentation.
- Develop human rights violation reporting mechanisms for ethnic minorities and marginalized communities.
- Partner with international bodies (ACHPR, UNHRC) to integrate violations into universal periodic reviews.
- Train judicial officers and law enforcement on ethnic minorities and marginalized communities' rights to eliminate bias.
- Ensure prompt implementation and monitoring of court decisions affecting ethnic minorities and marginalized communities.

3.9 Social Protection

Policy Statement: The Government will ensure equitable access to inclusive social protection systems for ethnic minorities and marginalised communities.

Key Interventions:

- Expand cash transfer programmes targeting older persons, persons living with disabilities, and vulnerable children in ASAL and other marginalised regions.
- Accelerate the registration of minority and pastoralist households into national schemes such as SHA, NSSF, and SHIF.
- Promote community-owned resilience mechanisms, including insurance pools and grain reserves.
- Integrate drought early warning systems with triggered social protection disbursements during crises.
- Digitize payment systems and beneficiary registries to improve targeting, minimize leakage, and reduce delays.

3.10 Climate Resilience and Food Security

Policy Statement: The Government will integrate climate resilience and sustainable agriculture into national and county development programs targeting marginalized areas.

Key Interventions:

- Safeguard pastoral mobility corridors and traditional grazing routes through land-use planning and cross-county agreements to enable climate adaptation.
- Allocate at least 30% of county climate funds directly to community-led adaptation initiatives led by pastoralist and agro-pastoralist groups.
- Secure meaningful representation for EMMCs in national and county climate governance bodies to ensure equitable access to planning and finance.
- Scale drought-resistant indigenous crops, community seed banks, and decentralized storage infrastructure to enhance food security in marginalized regions.
- Establish community-managed fodder banks and livestock support systems such as drought-tolerant breeds, veterinary services in pastoralist counties.

3.11 Conflict, Insecurity and Peacebuilding

Policy Statement: The Government will institutionalize inclusive, community-led peacebuilding frameworks to address root causes of conflict in EMMC regions, emphasizing local agency and traditional knowledge.

Key Interventions:

- Establish localized early warning and response systems in ethnic minority and marginalized areas to detect and prevent conflict.
- Leverage indigenous conflict resolution approaches and strengthen community-driven peace structures through partnerships with traditional leaders, community-based organizations, and local peace committees.
- Map and monitor conflict-prone regions involving ethnic minorities to inform targeted interventions.
- Recruit, train, and deploy security personnel from within minority communities to enhance trust and responsiveness.
- Train law enforcement officers in culturally sensitive, rights-based approaches tailored to marginalized areas.
- Implement community-led disarmament programs, coupled with livelihood support and reintegration for affected individuals.
- Support durable solutions for displaced persons from EMMC communities through safe resettlement, psychosocial care, and restoration of their rights.
- Empower women, youth, and religious leaders from minority groups to participate meaningfully in peacebuilding processes.

CHAPTER FOUR: IMPLEMENTATION FRAMEWORK

4.0 Introduction

This chapter outlines the institutional, operational and coordination mechanisms for implementing the National Policy on Ethnic Minorities and Marginalised Communities. It defines the roles of national and county governments, constitutional bodies, non-state actors and development partners while addressing key enablers such as financing, data, legislation, capacity, and partnerships to ensure the policy's effective delivery.

4.1 Institutional Arrangements

The implementation of this policy shall be led by the Minorities and Marginalised Communities Agency (MMC Agency), which shall be domiciled within the Executive Office of the President. The Agency will serve as the central coordination unit, with a mandate to provide policy guidance, coordinate multi-sectoral interventions, and ensure consistency in the implementation of inclusion frameworks. The MMC Agency will further be responsible for developing national strategies, issuing policy guidelines, maintaining a national registry of recognised communities, mobilising resources, monitoring programme performance, and advising the President on matters concerning ethnic minorities and marginalised communities.

To enhance inter-agency collaboration, an Inter-Ministerial and Inter-Agency Coordinating Committee shall be established. The Committee shall comprise Principal Secretaries from key ministries, such as State Department for Justice, Interior, Devolution, Education, Health, Lands, and Social Protection, alongside representatives from constitutional commissions. It shall be tasked with promoting horizontal policy integration and ensuring that all government sectors work in synergy to advance the inclusion agenda.

County governments will domesticate the national policy by developing county-specific action plans and legislative frameworks. Each county will designate MMC focal points within relevant departments, allocate financial resources for implementation, and conduct baseline surveys to map ethnic minorities and marginalised communities. These efforts will be embedded in the County Integrated Development Plans (CIDPs) to ensure sustainability and alignment with national goals.

Constitutional commissions and independent offices, including the Kenya National Commission on Human Rights, the National Gender and Equality Commission, and the Commission on Administrative Justice, will play oversight roles. These institutions will investigate violations, conduct compliance audits, and recommend corrective measures to uphold constitutional rights for marginalised communities.

Civil society organisations and faith-based institutions will support implementation by providing community-based services, raising awareness, building capacity, delivering legal aid, and engaging in policy dialogue. Their grassroots networks will be instrumental in mobilising communities, identifying needs, and advocating for equitable development.

The private sector will be encouraged to adopt inclusive employment practices, diversify supply chains, and invest in marginalised regions through corporate social responsibility and impact-driven strategies. Development partners will complement national efforts by offering technical support, funding, and opportunities for cross-country learning. Organisations formed by or for ethnic minorities and marginalised communities will be key players in representing their constituencies, contributing to data gathering, and monitoring policy outcomes.

4.2 Resource Mobilisation and Financing

The national government shall prioritise financial allocation for policy implementation through the national budget cycle. A dedicated budget line will be established under the MMC Agency to fund programme execution, capacity-building, and data infrastructure. County governments will incorporate inclusion priorities in their planning and budgeting processes and shall earmark funds within annual and medium-term expenditure frameworks. In addition to exchequer funding, the policy will leverage public-private partnerships, donor contributions, and community-based mechanisms for resource mobilisation. The Commission on Revenue Allocation shall be encouraged to factor ethnic diversity and marginalisation parameters into its revenue-sharing formulas to enhance equity across counties.

4.3 Legislative and Administrative Measures

The successful operationalisation of this policy requires supportive legal and regulatory frameworks. Parliament and county assemblies shall enact new laws or amend existing ones to

facilitate the realisation of the policy's objectives. All ministries, departments, and agencies will mainstream the inclusion of ethnic minorities and marginalised communities within their strategic plans, institutional policies, programmes, and budgets. Public entities will also be expected to develop internal guidelines consistent with this policy to support accountability and compliance.

4.4 Data Collection and Information Management

Accurate and disaggregated data is vital for evidence-based planning and monitoring. The Kenya National Bureau of Statistics, in partnership with the MMC Agency, shall lead the process of collecting, analysing, and disseminating data disaggregated by ethnicity, gender, age, location, and disability. County governments will conduct community-level mapping and periodically update records through integrated management information systems. A national inclusion database will be established to centralise and harmonise data for planning, budgeting, and policy evaluation.

4.5 Capacity Building and Awareness Creation

The implementation of this policy will be supported by targeted capacity development initiatives aimed at strengthening institutional performance and public service delivery. Government officers and frontline workers will be trained on inclusion, cultural sensitivity, and rights-based service provision. National and county governments will also facilitate public awareness campaigns to inform citizens of their rights, foster social cohesion, and counter discrimination and exclusion.

4.6 Coordination and Partnerships

Effective implementation demands sustained multi-stakeholder coordination. The MMC Agency will convene a National Inclusion Forum annually, bringing together representatives from government, civil society, the private sector, and EMMCs to assess progress, share lessons, and set strategic priorities. Stakeholders involved in policy implementation will sign cooperation charters to affirm their roles and commitments and foster shared accountability.

4.7 Risk Management and Mitigation

The realisation of policy outcomes may face several risks, including limited political will, financial constraints, insecurity, and fragmented institutional mandates. To address these challenges, the government will institute proactive mitigation strategies, including continuous stakeholder

engagement, alignment of the policy with broader national development agendas, decentralised planning, and conflict-sensitive implementation in fragile regions.

4.8 Sustainability Strategy

Sustainability will be achieved by institutionalising inclusive practices across all levels of governance and development planning. This will involve embedding inclusion in sectoral mandates, legislative frameworks, national budgeting processes, and performance targets. For externally funded programmes, exit strategies shall be developed to ensure that gains made are retained through local ownership and ongoing government support.

4.9 Reporting and Accountability

Implementation progress shall be tracked through regular reporting mechanisms. The MMC Agency will prepare annual performance reports to be submitted to Parliament, while county governments will report through the Council of Governors and respective assemblies. Independent audits, citizen scorecards, and participatory monitoring mechanisms will enhance transparency and ensure responsive service delivery.

4.10 Review and Updates

This implementation framework will be reviewed every ten years or earlier as necessary, to reflect changes in policy priorities, stakeholder feedback, and implementation challenges. The review process will be consultative and participatory, engaging all relevant actors including ethnic minorities and marginalised communities.

CHAPTER FIVE: MONITORING, EVALUATION AND POLICY REVIEW

5.0 Introduction

Monitoring and evaluation (M&E) are essential for ensuring accountability, transparency, and learning in the implementation of the National Policy on Ethnic Minorities and Marginalised Communities. This chapter establishes the M&E framework and outlines how progress will be tracked, outcomes evaluated, and lessons incorporated into policy reviews.

5.1 Objectives of Monitoring and Evaluation

The key objectives of monitoring and evaluation include tracking the delivery of planned activities and interventions, assessing the outcomes and impact on the wellbeing and inclusion of ethnic minorities and marginalised communities, evaluating the use and efficiency of resources, strengthening accountability among institutions and duty bearers, and generating data to inform ongoing learning and policy adjustments.

5.2 Monitoring Framework

The monitoring process shall be led by the MMC Agency, in partnership with the Ministry of Planning and the Kenya National Bureau of Statistics. A comprehensive national monitoring framework will be developed, including specific indicators and targets aligned to each objective of the policy. Ministries, departments, and agencies at both national and county levels shall be required to submit biannual reports on their inclusion measures. Monitoring will combine both quantitative data, such as statistical trends and service delivery coverage, and qualitative insights from community feedback mechanisms. The MMC Agency will compile annual reports to be submitted to Parliament and made publicly accessible.

5.3 Evaluation Framework

The policy shall be subjected to a mid-term evaluation every five years and a final evaluation at the end of the policy period. These evaluations will assess the relevance, effectiveness, efficiency, impact, and sustainability of policy interventions. Independent evaluators shall be engaged to ensure objectivity, and the evaluation process will be participatory, incorporating views from

EMMCs, civil society, and other stakeholders through validation forums and community consultations.

5.4 Indicators and Data Sources

Indicators to measure progress will include levels of access to education, healthcare, employment, infrastructure, political representation, legal aid, land rights, and cultural protection. These indicators will be disaggregated by key characteristics such as ethnicity, gender, disability, and location. Data will be sourced from national surveys, government administrative records, civil society assessments, and community-based monitoring initiatives.

5.5 Institutional Roles in M&E

The MMC Agency will coordinate monitoring activities and produce consolidated reports. KNBS will generate and validate disaggregated data. Ministries and counties will integrate inclusion indicators into their planning and budgeting cycles and report accordingly. Oversight bodies such as NGECE, KNCHR, and CAJ will independently verify performance, while civil society and community groups will contribute to data generation and monitoring at grassroots level.

5.6 Participation and Feedback Mechanisms

Ethnic minorities and marginalised communities will participate in setting priorities, defining success indicators, and validating monitoring findings. Public forums, digital reporting tools, and community scorecards will be used to collect citizen feedback. Feedback mechanisms will be institutionalised to ensure that input from affected communities is taken into account when making policy and programme adjustments.

5.7 Risk Management in M&E

The monitoring and evaluation process may be affected by risks such as data manipulation, weak institutional capacity, limited political support, and exclusion of community voices. These will be mitigated through training, independent oversight, digital reporting tools, and legal safeguards for whistle-blowers.

5.8 Policy Review and Revision

The policy will be reviewed every ten years or earlier if emerging needs or significant changes in the legal and policy environment arise. The review will consider evidence from M&E processes, evolving national priorities, stakeholder recommendations, and lessons learned during implementation. Policy revisions shall follow appropriate legal or administrative procedures and be guided by inclusive consultations with EMMCs and other stakeholders.

5.9 Reporting and Knowledge Sharing

Evaluation reports and findings will be disseminated widely to promote transparency, accountability, and shared learning. These findings will be used to build a national knowledge base and inform policy reform. The government will organise annual National Inclusion Forums as platforms for sharing results, exchanging good practices, and recognising progress across institutions and counties.

5.10 Conclusion

An effective monitoring, evaluation, and review framework is essential for translating the policy from commitment to action. It ensures that interventions deliver meaningful results, promotes transparency, and enables evidence-based adjustments to continuously improve the inclusion of ethnic minorities and marginalised communities across Kenya.

ANNEXTURES

Implementation Matrix

No.	Policy Intervention	Activities	Lead Agency	Supporting Agencies	Timeline	Indicators
1.	Develop a coordinated legal, policy and institutional framework for ethnic minority and marginalised communities	Undertake legal and policy audits, stakeholder consultations, and draft a unified framework	EMMC Agency	KLRC, State Department for Social Protection, State Department for Justice, NGEC, KNCHR, Ministry of Interior, Council of Governors	2025–2027	Existence of a consolidated legal/policy framework; number of institutions aligned to framework
2.	Establish a National Council for Ethnic Minorities and Marginalised Communities	Draft enabling legislation, stakeholder validation, and set up governance structures	EMMC Agency	KLRC, Public Service Commission, State Law Office, Parliament	2025–2026	Legislation establishing council enacted; Council operationalised with board and secretariat
3.	Promote participation of marginalised groups in decision-making processes	Review public participation laws and frameworks, conduct civic education	KLRC	IEBC, CAJ, NGEC, State Law Office, Ministry of Devolution, County Governments	2025–2028	Revised legal frameworks on participation adopted; percentage increase in marginalised group involvement
4.	Enhance access to education, health, and basic services for ethnic minorities	Develop targeted sectoral policies and service delivery strategies	Ministry of Education, Ministry of Health	KLRC, Ministry of Water, NGEC, County Governments	2025–2030	Number of sectoral policies with inclusion components; service coverage in targeted areas
5.	Promote documentation and data collection on marginalised communities	Undertake national mapping, research and build disaggregated databases	Kenya National Bureau of Statistics (KNBS)	KLRC, Research Institutions, Ministry of Planning, NGEC	2025–2027	Ethnic minority datasets published; disaggregated data available in national reports
6.	Enhance economic empowerment and livelihood opportunities	Develop targeted economic inclusion programs and capacity building initiatives	Ministry of Labour and Social Protection	Treasury, County Governments, KLRC, NGEC	2025–2030	Number of livelihood programs targeting minority groups; household income data in target communities
7.	Protect and promote the cultural heritage and languages	Implement safeguarding programs, support cultural	Ministry of Culture and Heritage	National Museums of Kenya, KLRC, County	2025–2029	Number of cultural initiatives funded; languages documented and

	of ethnic minorities	festivals and documentation		Governments, NGE		supported in education/culture policy
8.	Strengthen institutional capacity and coordination at national and county level	Develop policy coordination guidelines, build capacity of relevant officers	Ministry of Devolution	KLRC, Council of Governors, Public Service Commission, NGE, State Law Office	2025–2027	Policy coordination guidelines adopted; number of county and national officers trained

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