

Inclusiveness and Social Justice in Evaluation: A Transformative Evaluation Paradigm

Gatdet Gabriel Matut Maliah¹, Isaac Odhiambo Abuya¹

¹Department of Management Science & Project Planning,
Faculty of Business and Management Sciences, University of Nairobi

Abstract – Policy evaluators who are committed to eliminating social disparities face several difficulties aligning their principles with research methodologies presents. The transformative paradigm incorporates the understanding that ethical practice is inclusive in a culturally responsive manner with members of vulnerable and marginalized populations in ways that challenge the existing power structure. This paper looks into the relevance of the transformative paradigm in evaluating the Kenya National Cohesion and Integration Policy. More subtly, the paper focuses on two key threats to social cohesion and integration, as identified in the policy. These are the overconcentration of state powers on the executive arm of government; and the inequitable distribution of opportunities and public resources. The overconcentration of state power on the executive is a precursor to exploitation, exclusion, and the perpetuation of ethnic and regional inequality. Although the 2010 Constitution has clearly reshaped Kenya's political landscape, the solution to reducing the stakes of political competition and political instability due to the over-concentration of executive power largely lies with individual politicians and informal institutions that complement, or compete with formal institutions. Instead of the existing ostensibly meritocratic system that benefits individuals connected to the appointing authority, a transformative framework would assist in monitoring whether public sector employment reflect the face of Kenya. The Kenya National Cohesion and Integration Policy, while important, should emphasise the role of Kenya's informal institutions in peaceful nation united in their diversity. Although the policy stresses inclusivity in governance, important as it may be, there is the need for Kenya to also focus on economic and religious inclusivity. As a way of achieving inclusivity, the policy should seek to end the predictable five-year cycle of electoral violence and ethnic antagonism that has plagued Kenya for decades.

Keywords – evaluation paradigm, transformative evaluation, inclusiveness and social justice

I. Introduction

Researchers and evaluators committed to addressing social inequalities face many challenges in aligning their values with research approaches. The transformative paradigm, and with specific reference to leading transformative research and evaluation scholar Donna Mertens, incorporate the understanding that ethical practice is inclusive in a

culturally responsive manner with members of vulnerable and marginalised populations in ways that challenge the existing power structure (Mertens, 2021). From a policy perspective, the paradigm focuses on members of marginalised and vulnerable populations, such as poor and people with disabilities, women, racial and/or ethnic minorities, and the impacts of social inequality. From a research perspective, the transformative lens for research advocates that researchers should consciously use the research process to work with concerned participants and stakeholders to further social, economic and ecological justice.

However, this paper puts forth an argument that the impact of a transformative research lens can be increased through thoughtful design and inclusion of stakeholders and subsequent formation of coalitions that would help sustain the needed changes. To this end, researchers and communities they serve can incorporate lessons learned from social change agents and social activism to increase the potential for transformative change. This position is undoubtedly controversial in the eyes of some researchers such as Cruz and Walt (2013) who advocate for a 'research uptake' model with a clear boundary between research and policy advocacy. However, continuing with this business-as-usual approach to research risks putting researchers, and indeed, evaluators, in an unethical position of being complicit in maintaining oppression. Researchers and evaluators alike have the opportunity to disrupt a historical legacy of oppression and contribute to a transformed world when they adopt the role of change agent.

Drawing from Mertens' transformative paradigm, this paper discusses the relevance of this paradigm in evaluating the Kenya National Cohesion and Integration Policy (hereafter referred as the Policy). Better known as Sessional Paper No. 9 of 2013 on National Cohesion and Integration, this Policy reflects the Government Kenya's commitment to fulfil its national and international obligation to foster national unity and patriotism. It also sits well with the dictates of Goal 16 of Sustainable Development Goals, which requires countries to promote just, peaceful and inclusive societies for sustainable development. This is also captured in the Addis Ababa Action Agenda. Like other similar efforts, such as the Sessional Paper No.5 of 2014 on Peacebuilding and Conflict Management, the Policy was informed by the fact that Kenya has grappled with historical land injustices that violate a raft of social, cultural and economic rights, in addition to posing a threat to national unity due to ethnic antagonism, competition and marginalisation. In this regard, the Policy identifies eight critical threats to social cohesion and integration, three of which can be addressed using Mertens' transformative

paradigm. These issues are: (i) overconcentration of state powers on the executive arm of government; (ii) inequitable distribution of opportunities and public resources and (iii) inequitable distribution of opportunities and public resources.

II. Objectives

This paper discusses the relevance of the transformative paradigm in evaluating the Kenya National Cohesion and Integration Policy. Specifically, the study sought:

1. To determine how the transformative approach can address overconcentration of state powers on the Executive
2. To determine how the transformative approach can address inequitable distribution of opportunities and public resources.

III. Methodology

This paper adopted a secondary research design. This means that a desk search was done to identify relevant studies about the subject under investigation. More specifically, a scoping search was performed to identify current literature on the topic of ethnic antagonism and competition in Kenya. Content analysis was used to identify repeating themes and patterns in the selected studies. Bengtsson (2016), like Saunders et al., (2009) before him, considers content analysis helps in determining the availability of certain words or concepts within texts or a set of texts. Drawing upon this assertion, the presence, meanings, and relationships of the above keywords as well as search strings were quantified and analyzed after which inferences about their relevance were made accordingly.

IV. Literature review

Since independence, the political system and governance institutions in Kenya have been characterized by excessive executive power and patronage. The consequence of this overconcentration of state power has been exclusion, exploitation, and the perpetuation of ethnic and regional inequality. Nyadera, Agwanda and Maulani (2020) succinctly discuss this point in their study, which examined the status and evolution of the political system in Kenya and some threats to the successful transition to democracy. According to these researchers, the winner-take-it-all approach inherent in the country's political system is to blame for the consolidation and over-concentration of state power by the Executive. This logic raises stakes in Kenya's political contests, forcing aspirants and their followers to condone or seek electoral malpractices.

Although the country has held period elections, they are never free and fair at least going by the findings of post-election reports by both international and domestic observer groups, specifically in 1992, 1997, 2017, and more recently, 2017 (Nyadera et al., 2020). Losers in these elections, especially the presidential ones, have often pointed fingers at interference by the executive on the outcome of the election results. Such allegations of interference, according to Nyadera et al. (2020), compromise the basic tenets of democracy, as citizens lose hope in the electoral process, and ultimately often result in violence, loss of life, and destruction of property.

With the introduction of the 2010 Constitution, it was hoped that reforms would be introduced to dilute the powers of the executive, and as such, high stakes in the electoral process. However, this seem to have been an elusive dream as results from preceding elections show that Kenyan politics remains highly contentious, with the electorate fracturing sharply along ethnic divides.

Nyadera et al.'s (2020) transformative approach to solving this quagmire is pegged on addressing the winner-take-it-all approach under which all Kenyan political leaders are elected into office. For Nyadera and colleagues, all ethnic groups in Kenya would be better served if the 2010 constitution had abandoned the British traditions of single-member districts and its associated winner-take-it-all approach. A multi-member district system of proportional representation would do a better job in easing ethnic tensions during elections, particularly the high stakes that surround which tribes takes the all-powerful presidential position. However, while Nyadera and fellow researchers are largely right that the winner-takes-all elections facilitate consolidation and excessive control of power the Executive, their argument dismally fail to correctly identify and appraise the constitutional and governance crisis that has bedevilled African countries, including Kenya.

These were or are, among other things, the singularly authoritarian legacy of the colonial era; the ossification of authority under life presidents who reproduce their own power or cause endemic instability when they fail to do so; and patrimonialisation of power. In the latter, for instance, Kikuyu political elites and council of elders often arouse Kikuyu nationalism during general elections to safeguard Uthamaki (presidency). As a transformative paradigm would suggest, addressing social inequalities and marginalization require evaluators and researchers to not just focus on symptoms of the problem, also the root cause of the problem. They are supposed to examine power dynamics and systems that are deliberately designed to privilege certain groups over others (Mertens, 2021). After the British colonists had left, successive governments, notably those of Jomo Kenyatta and Daniel Arap Moi did not abandon colonial administration systems. These systems, inter alia, the extra-judicial power exercised by the president, and the single-member districts that divided Kenyans along ethnic lines to subdue them better. The latter speaks to the concept of the extra-judicial power of the executive authority where the president derives power not only from constitutional and regular laws and conventions, but also derives legitimate and legal power extra-judicially. In other words, the president exercises extra-judicial power derivable from non-constitutional and non-legal sources.

The sources of such power extra-legal powers are located in the president's possession of charisma and headship of the executive arm of the government, or better yet, the ruling party. Because the president is endorsed with charisma and/or is a leader of a large party that has sponsored many legislators, senators, and governors, he or she has extra-legal powers to justify his or her actions. This is was partly apparent in the single-party era of Presidents Kenyatta and Moi when Kenya became full-blown autocracy where the party, government and civil service essentially fused into hierarchical power structure under the personal control of the president. Although the

2010 constitution has tried to scale down of legally sanctioned powers of the executive to achieve an acceptable balance in the exercise of power amongst the three organs of government, the executive remains largely centralised and revolves around the personality of the president. Cheeseman et al. (2019) confirm the existence extra-legal powers in Kenya.

Cheeseman et al. (2019) conducted extensive research to determine whether the 2010 Constitution has the capacity to reduce, if not end, the high stakes of political contests and the chances of political instability. Cheeseman and colleagues paid a special focus was on Kenya's 2017 general elections, as they were the second elections under the new constitution. These were also the first elections in which participants, both voters, and politicians, had practical experience of the powers of the developed elected positions and operations of the new political dispensation. The researchers found that the Constitution has had mixed impacts, concluding that formal institutions alone are not enough to change political locals. They reveal that the continued importance of informal institutions and individual politicians that may complement, or compete with formal institutions. A case in point is the influential role the "Golden Handshake" between President Uhuru Kenyatta and Raila Odinga, his then opponent and long-time foe, played in bringing relief to many Kenyans because it ended a dangerous period of instability. Another example is the power sharing between President Kibaki and Raila Odinga to end the 2007 post-election violence. However, elite pacts, while important as Cheeseman et al. (2019) suggest, do little to address the issues that gave rise to such pacts in the first place.

The elite pacts only achieve short-term stability at the expense of institutionalizing genuine political and economic reforms. For instance, although the 2017 'handshake' brought about some immediate relief to many Kenyans by ending a dangerous period of political instability, it did not correct the mistakes of both political divides that would guarantee free and fair elections in subsequent elections. For instance, Raila Odinga will never reverse his coalition's decision to swear him in as the people's president, or his utterances about Uhuru Kenyatta's lack of legitimacy as the President of Kenya. Likewise, President Kenyatta cannot take back his threats and attacks on Kenya's judiciary, attacks that made the judiciary agent of justice under difficult circumstances. Similarly, his handshake with Odinga cannot walk back how security apparatus were used to drive partisan goals.

These actions have instead entrenched further existing grievances and divisions. This essentially means that the political ceasefire between Uhuru and his arch-rival Odinga was not a guarantee that subsequent elections would be free and fair. As a matter of fact, the just concluded general elections pitting the then Deputy President William Ruto and Odinga as the frontrunners in the presidential race, the former was declared the President, Odinga rejected Ruto's victory and subsequently challenge the results in the Supreme Court, claiming the elections were not free and fair. The same trend was witnessed after the 2013 general elections, despite having had a political truce with President Kibaki to end the 2007-08 post-election violence.

As such, the solution to turning this situation does not

lie with elite pact, as Cheeseman et al. (2019) suggest. Elite pact, while important in underpinning emergence of a more dynamic, competitive and democratic political system in Kenya, only offers short-term solutions. The 2017 handshake was not the first time Honourable Raila Odinga was joining leaders from the ruling party to work together. He did it during the tenure of President Moi, Kibaki and Uhuru, but these cessations of political hostilities did not end electoral injustices. Long-term solutions would be achieved through institutionalization of the reforms that were introduced through the 2010 Constitution. Moreover, a transformative evaluation perspective advocates for a proportionate representation of minorities to be heard and represented, as a solution to winner-takes-all political system.

While Cheeseman et al. (2019) fail short of discussing how such reforms can be institutionalised to end the cycle of electoral injustices, perhaps for the sake of research rigour, both Pittore et al., (2016) and Mertens (2021) recommend that true transformative evaluation requires researchers to be activists. For Pittore et al., (2016), there is no neutral policy research in its analysis. This is because research is shaped by the political context in which such research is produced and applied to further the values of its sponsors, regardless if it exhibits academic rigour and excellence.

Although some scholars such as Cruz and Walt (2013) view advocacy as an inappropriate endeavour for researchers because they believe it works to undermine research neutrality, and can affect the research rigour in a negative manner. As such, Cruz and Walt (2013) prefer a research uptake model where research simply repackages research for non-academic targets because it is neutral to do so. This, however, allows policymakers and knowledge brokers to cherry-pick the seemingly supports an existing position, and thus is no more neutral, and most probably rigorous than a direct engagement with advocates.

A transformative paradigm would limit the powers of the Executive by subjecting the presidency to more checks and balances. For Kenya's 2010 Constitution, reduced the power of the executive by devolving authority to subnational units, and formally guaranteeing a host of economic and social rights to women, marginalized communities and minorities. Although the constitution has the potential to transform Kenyan politics, by diminishing the role that ethnicity plays in the country's affairs for example, it underestimates the need for elite pact. The reforms suggested in the 2010 Constitution cannot be affected without political goodwill.

Inequitable Distribution of Opportunities and Public Resources

Kenya's National Cohesion and Integration Policy identify the inequitable distribution of opportunities and public resources as one of the impediments to promoting national unity in cultural diversity. The country's ethnic cohesion watchdog, the National Cohesion and Integration Commission (NCIC) has found significant ethnic inequity in the distribution of public sector employment. This is so because Kenya is a country polarised along ethnic lines with Kikuyu as the largest tribe. The community has been as privileged since the end of colonization by the British colonial government. The British colonial government, through its divisive 'divide and rule'

colonial policy, deliberately introduced and propagated ethnic politics into Kenya's political system to advance its colonial and imperialist political and economic objectives (Nyabira & Ayele, 2016).

Post-colonial political leaders failed to correct vices for the sake of inculcating national cohesion and unity. They instead continued with them in their pursuit of sectarian and self-interests at the expense of nation-building projects. Kenya's founding leadership came from the Kikuyu community, and this placed the community in control of Kenya's resources. Some government policies were seen to work to the advantage of this community. For example, Sessional Paper No. 10 of 1965 was introduced to reduce nationwide poverty, ignorance, and disease. However, its deliberate focus on public investments in "areas with the greatest absorptive capacity" (as quoted in the National Cohesion and Integration Policy), coupled with weak execution of distributive policies worked to widen the inequalities inherited from colonial-era investments. As a result of this, the Kikuyu ethnic group had significant landownership, as they largely took over farms that were in the hands of the colonial regime, in addition to having access to good schools founded in the colonial era (Nyabira & Ayele, 2016).

Even in the post-colonial government, this advantage continued, where the public service and other sectors of the economy were dominated by members of the Kikuyu community to the marked disadvantage of other ethnic groups. This blatant disparity was a factor that precipitated the 2007-08 post-election violence. In other words, the 2007-08 post-election violence was partly a culmination of an escalation of inter-ethnic rivalry and feelings of marginalization and exclusion. This necessitated a national dialogue that led to the birth of the 2010 Constitution.

With reforms brought by the 2010 constitution, efforts have been made to ensure the equitable distribution of opportunities and public resources, as a transformative framework would suggest. Such efforts include the Kenya Vision 2030 and its 2008-2012 First Medium-Term Plan; and the Economic Recovery Strategy for Wealth and Employment Creation. For instance, the Kenya Vision 2030 recognizes poverty as a threat to building a cohesive nation. Consistent with the dictates of the transformative framework, the Kenya Vision 2030 aims to have a just and cohesive Kenyan society that enjoys equitable social, economic, and political development in a clean and secure environment. In line with this, the Policy seek to foster a general understanding and upholding of national cohesion among all stakeholders, be it state agencies, non-state actors; development partners, or the private sector, so as to ensure that the Kenyan society is politically, economically and socially cohesive and integrated for sustainable development and nationhood. For the achievement of this goal, the policy recommends several strategies including strengthening of institutions.

V. Discussion

Overconcentration of state powers on the Executive is a threat to national cohesion and integration. This overconcentration of power on the executive arm of government is largely due to the extra-judicial power exercised

by the president, and the single-member districts that divided Kenyans along ethnic lines to subdue them better. Other than the powers given to him by the Constitution, any law passed by Parliament or constitutional convention, the President also derives legitimate and legal power extra-judicially. The sources of such power extra-legal powers are located in the president's possession of charisma and headship of the executive arm of the government, or better yet, the ruling party. Unfortunately, in Kenya, senior politicians (ethnic 'big men') and bureaucrats have taken advantage of their close proximity to the president to advance their own selfish interests. Power centralization and ethno-political manipulation led to elite state-capture, poverty, low economic growth and corruption, weak state institutions, lack of democracy, abuse of human rights, and low state legitimacy. This is was partly apparent in the single-party era of Presidents Kenyatta and Moi when Kenya became full-blown autocracy where the party, government and civil service essentially fused into hierarchical power structure under the personal control of the president.

All these developments have been cited as accounting the high stakes in Kenya's presidential elections. Although the 2010 constitution has tried to scale down of legally sanctioned powers of the executive to achieve an acceptable balance in the exercise of power amongst the three organs of government, the executive remains largely centralised and revolves around the personality of the president. After becoming the Prime Minister in 1963, Kenya's first President immediately embarked on a process of dismantling majimboism and centralizing power around himself. By convincing KADU to dissolve into KANU in 1964, Kenyatta effectively created a unitary government. He went further to have the regional assemblies and the senate disbanded, while their administrative and fiscal functions together with their resources were recentralised. This was followed by several amendments of the constitution in the 1960s and 1970s, which tremendously increased the powers of the executive, centralized the state, and undermined the democracy envisioned by the majimbo constitution. Further power centralization was achieved through the provincial administration system which was used to suppress any perceived threat, opposition or criticism both at the grassroots and the national level. It would appear like the Kenyatta senior set the precedent on how to centralise power.

Donna Mertens' transformative framework provides a promising philosophical framework to scale down of legally sanctioned powers of the executive to achieve an acceptable balance in the exercise of power amongst the three organs of government. Mertens, a prominent transformative research and evaluation scholar, held the view that evaluations work best when they are imbued with the values of the communities where they are performed. In other words, Mertens suggests that theories, models, and practices should be entrenched in indigenous worldviews and knowledge systems (Tarsilla, 2010). This requires evaluators first to understand the plurality of the values of the communities where they work, which values should guide the design, execution, and use of their evaluations. Evaluators can provide information as to what policy should include and/or determine the effects of policy

(Wholey, 2004).

Perhaps most importantly, evaluators should specifically take into account the values of the voiceless, or those whose voices are often ignored or dismissed, such as women, the homeless, and individuals in abject poverty ethnic minorities. This is one of the key tenants of Mertens' transformative perspective. To this end, it is deducible that the transformative paradigm focuses on the plight of marginalized communities, analyses power differentials that lead to marginalization, and subsequently track the nexus between research findings to proposed mitigation actions (Jackson, et al., 2018).

Since 1992, Kenya has been having periodic elections in which several parties participate. However, the winning team forms the government, while losers have very limited participation in public affairs because of the winner-takes-all politics. This happens even though the losing votes are significantly large. It would appear like in Kenya's democratic process every vote does not count except for the votes of the winners. Although losing political elites are often urged to be gracious enough to accept, they lost, such calls have had an insignificant impact. Politics is a high-stakes game centered on interests, and the politician usually does not have the right or the luxury to surrender the interests of his or her constituents. As Nyadera et al. (2020) find, losing the election is akin to being alienated from development projects, government employment, and worse yet, even justice. Since the election is such a high-stake contest in Kenya, politicians have resorted to using several means to win elections, including manipulation of results, intimidation, and corruption.

In 2010, the promulgation of a new modern transformative Constitution was hoped, among other things, to end the bloodshed, loss of lives, life-long injuries, utter injustice, limit the power of the executive, and democratized the election process in retrospect to the clashes of 2007-2008. For instance, the Constitution developed power away from the president by creating 47 new county governments. It was envisaged that the grassroots presence of these governments makes them ideal for spreading the gospel of national cohesion and integration initiatives, as well as, monitoring and evaluating the impacts of such initiatives. Consistent with such, Kenya's National Cohesion and Integration Policy recommend various strategies to ensure inclusivity, social justice, and equity, one of which is strengthening key institutions for cohesion and integration. This policy suggestions can be done by implementing and popularising the Constitution, building an inclusive public service that reflects Kenya's ethnic and cultural diversity, strengthening the judiciary, and restoring its independence.

However, with a transformative approach, evaluators will have to listen to the voice of researchers. For instance, recent research has improved on the suggestions of the Kenya National Cohesion and Integration Policy. While the policy suggests that formal institutions proposed in the 2010 Constitution, such as the Supreme Court and the devolved systems of government, would help limit the Executive power, Cheeseman et al. (2019) suggest otherwise. Although the 2010 Constitution has clearly reshaped Kenya's political landscape, the solution to reducing the stakes of political completion and political instability due to the over-

concentration of executive power largely lies with individual politicians and informal institutions. For example, the 50% plus 1 threshold, along with the possibility of having a second-round run-off, was introduced to encourage political leaders to form broader multi-ethnic alliances and devise more inclusive election campaigns. However, the reality on the ground is that although the 50% plus 1 threshold provided further incentive to form coalitions, this political dynamic has long been evident even before the 2010 reforms. Kenya's political system and its coalition formation pattern have been driven by what Cheeseman et al. (2019) refer to as a "politics of collusion" (p.217) between political elites as any specific feature of the electoral process.

With devolution, a wider set of Kenyans have had an opportunity to participate in the political system, as many opposition politicians won many senators and governor races in 2013. However, the ruling party won many lower-level elections, including the Nairobi governorship, suggesting that the rebalancing effect of county elections was more pronounced in 2013 than it was in 2017. Perhaps most importantly, the opposition, which was not happy with the results, raised, through some elected governors, the prospect of their counties seceding from Kenya. As such, devolution, while important, has brought about new structures that can be used to channel dissent against the state.

Moreover, although the Supreme Court demonstrated the judiciary's capacity to act as an independent institution in defending the quality of democracy when it nullified the election of a sitting president, the move did so little to sustain electoral legitimacy. The Court was immediately criticized from all quotas, including the government, and was not able to ensure the much-needed reforms were implemented ahead of the 'fresh' poll it had ordered. In fact, Odinga, who had challenged Kenyatta's victory in court, ended up boycotting the repeat poll. Odinga, who argued that it was an effort in futility to participate in the election with the same officials and most of the same procedures in place because the repeat election would be stolen from them once again. Indeed, although the 2010 Constitution has brought about considerable reforms to Kenya's political system, it is not formal constitutional changes that ended the political impasse. Instead, political stability was brought about by a personal deal struck between Odinga and President Kenyatta.

Constitutional reform niceties did not resolve the 2017 electoral crisis when the country was hanging between anarchy and despair, but a long history of pacts between political elites, a classical informal, unwritten and uncodified, institution. This was also witnessed in 2008 through the "Nusu makate" government. One wonders what would have happened if Kenya could have had leaders who do not agree to shake hands for the sake of the country like President Kenyatta did with Odinga. In the famous words of Britain's Iron Lady, Former Prime Minister Thatcher, "leadership is not a popularity contest." Sometimes it is important to accept that Kenya can no longer accept the disenfranchisement of large and significant minorities.

Minorities have to be heard and represented. In countries such as Germany, minority views have brought about positive change. For instance, the Greens campaigned

for stronger environmental protection policies, consequently winning many hearts across Europe. This brings into context proportional representation, as a transformative approach would advocate, to create a feeling of “we belong” even to the losers. Proportional representation means that every vote counts, not just the votes. This is especially important when the losing votes are significantly large. As Jackson, et al. (2018) assert, the exclusion of losers from the running public affairs is not aligned with the transformative framework. Critics often say that election losers should accept defeat and move on, arguing that even Americans accepted the election of Donald Trump, despite his opponent Hillary Clinton winning with over 3 million popular votes. However, the political maturity that the Americans, with their more than 200 years of democracy, cannot be compared to African countries, including Kenya. Kenya was quick to adopt the American system, which seemingly is not working for the young country. The country has so many divergent interests that the winner-takes-it-all approach does not address.

Moreover, a more transformative approach would be to replace the single-member districts introduced by colonialists with a multi-member district system of proportional representation. Allowing each Kenyan electoral district to elect multiple representatives will be a boost for Kenyans of ethnic minorities in their district because they will still be able to have their voices heard in government. This will also reduce the potential for continued distortions between the popular vote and government. These assertions are consistent with Nyadera and colleagues who concluded that all ethnic groups in Kenya would be better served if the 2010 constitution had abandoned the British traditions of single-member districts and its associated winner-take-all elections. A multi-member district system of proportional representation would do a better job of easing ethnic tensions during elections, particularly the high stakes that surround which tribes takes the all-powerful presidential position. Like many former East African British colonies, most members of parliament in Kenya are elected through the winner-take-all contents in single-member districts. However, because Kenyan counties tend to be much politically and ethnically homogeneous than the entire country as a whole, minority groups in many of these districts stand no, little if any, chance of ever electing representatives to either the country’s Senate or the National Assembly. The origins of this ethnic consciousness as seen in the political processes in Kenya can partially be traced to the arbitrary way in which the British imperialists based administrative boundaries and by implication local governments on linguistic and cultural lines. This decision was informed by British colonialists’ assumption that Africans live in tribes, and as such, tribes must constitute the basis of colonial administration.

Inequitable Distribution of Opportunities and Public Resources

Ethnic inequity in the distribution of public sector employment is a threat to building a cohesive Kenyan nation. The literature suggests that the British colonial government, through its divisive divide and rule policy, initiated this inequitable distribution of opportunities. Efforts by successive regimes to advance a national identity have proved futile, as all of

them have worked to calcify it through its exploitation and politicization. Some government policies were seen to work to the advantage of this community. Sessional Paper No. 10 of 1965 was introduced to reduce nationwide poverty, ignorance, and disease.

However, its deliberate focus on public investments in “areas with the greatest absorptive capacity” (as quoted in the National Cohesion and Integration Policy), coupled with weak execution of distributive policies worked to widen the inequalities inherited from colonial-era investments. In retrospect, the Kikuyu community had access to good schools founded in the colonial era, and significant landownership, often taking over farms that had previously been owned by the colonial regime (Nyabira & Ayele, 2016). Even in the post-colonial government, this advantage continued, where the public service and other sectors of the economy were dominated by members of the Kikuyu community to the marked disadvantage of other ethnic groups. This blatant disparity was a factor that precipitated the 2007-08 post-election violence. In other words, the 2007-08 post-election violence was partly a culmination of an escalation of inter-ethnic rivalry and feelings of exclusion and marginalization. This necessitated a national dialogue that led to the birth of the 2010 Constitution.

With reforms brought by the 2010 constitution, efforts have been made to ensure the equitable distribution of opportunities and public resources, as a transformative framework would suggest. Such efforts include the Kenya Vision 2030, and the Economic Recovery Strategy for Wealth and Employment Creation. For instance, the Kenya Vision 2030 recognizes poverty as a threat to building a cohesive nation. Consistent with the dictates of the transformative framework, the Kenya Vision 2030 aims to have a just and cohesive Kenyan society that enjoys equitable social, economic, and political development in a clean and secure environment. A transformative framework would help to monitor whether public service jobs better reflect Kenya’s diversity, rather than the previous ostensibly meritocratic system which in practice ensures that other ethnic groups do not find favour because appointing authorities tend to prefer those from their own ethnic background. It was made clear, during the interviews for Kenya’s Supreme Court judges, that there was no possibility of having two people from the same ethnic group out of the cohort of seven judges. With such provision, equilibrium to Kenya’s public service, showing the true face of the nation, can be achieved

VI. Recommendations

This paper discussed the relevance of the transformative paradigm in evaluating the Kenya National Cohesion and Integration Policy. It specifically focused on two key threats to social cohesion and integration, as identified in the policy. These are the overconcentration of state powers on the Executive arm of government; and the inequitable distribution of opportunities and public resources. It was found that the overconcentration of state power on the Executive is a precursor to exploitation, exclusion, and the perpetuation of ethnic and regional inequality.

Although the 2010 Constitution has clearly reshaped

Kenya's political landscape, the solution to reducing the stakes of political completion and political instability due to the over-concentration of executive power largely lies with individual politicians and informal institutions that complement, or compete with formal institutions. A case in point is the "Nusu Mkate" government after the 2007-08 political crisis, and the "handshake" following the 2017 political crisis when the country was hanging between anarchy and despair. In this case, a transformative evaluation perspective advocates for a proportionate representation of minorities to be heard and represented. Proportional representation means that every vote counts, and not just the votes of the winners. Ethnic inequity in the distribution of public sector employment was also found to be a threat to building a cohesive Kenyan nation.

Instead of the existing ostensibly meritocratic system that benefits individuals connected to the appointing authority, a transformative framework would assist in monitoring whether public sector employment reflect the face of Kenya. Kenya's Supreme Court is one such institution that has deliberately ensured that its bench reflects Kenya's diversity. The Kenya National Cohesion and Integration Policy, while important, should emphasise the role of Kenya's informal institutions in peaceful nation united in their diversity. Although the policy stresses inclusivity in governance, important as it may be, there is the need for Kenya to also focus on economic and religious inclusivity.

As a way of achieving inclusivity, the policy should seek to end the predictable five-year cycle of electoral violence and ethnic antagonism that has plagued Kenya for decades, by highlighting past deliberate actions such as 'Nusu Mkate' government and handshakes between the main political rivals in presidential election. Although these actions are not enriched in the constitutions, they were nevertheless taken by the political elites to bring about peace and create a nation where every individual and community feel they belong, something that even the Supreme Court could not guarantee. Economic inclusivity should include proposals to have a Shared Prosperity and Wellbeing Index that provide an objective assessment of whether economic inclusion and benefits are felt by all Kenyans. Kenyans need a fairer and more equitable planning and sharing of national revenue to ease tensions in political competition premised in the winner-takes-all system.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for this article's research, authorship and/or publication.

References

- Bengtsson, M. (2016). How to plan and perform a qualitative study using content analysis. *NursingPlus open*, 2, 8-14.
- Cheeseman, N., Kanyinga, K., Lynch, G., Ruteere, M., & Willis, J. (2019). Kenya's 2017 elections: winner-takes-all politics as usual? *Journal of Eastern African Studies*, 13(2), 215-234.
- Cruz, V. O., & Walt, G. (2013). Brokering the boundary between science and advocacy: the case of intermittent preventive treatment among infants. *Health policy and planning*, 28(6), 616-625.
- Jackson, K. M., Pukys, S., Castro, A., Hermosura, L., Mendez, J., Vohra-Gupta, S., ... & Morales, G. (2018). Using the transformative paradigm to conduct a mixed methods needs assessment of a marginalized community: Methodological lessons and implications. *Evaluation and Program Planning*, 66, 111-119.
- Mertens, D. M. (2021). Transformative Research Methods to Increase Social Impact for Vulnerable Groups and Cultural Minorities. *International Journal of Qualitative Methods*, 20, 16094069211051563.
- Nyabira, B. C., & Ayele, Z. A. (2016). The state of political inclusion of ethnic communities under Kenya's devolved system. *Law, Democracy & Development*, 20, 131-153.
- Nyadera, I. N., Agwanda, B., & Maulani, N. (2020). Evolution of Kenya's political system and challenges to democracy. *Global Encyclopedia of Public Administration, Public Policy, and Governance*, 1-14.
- Pittore, K., te Lintelo, D. J., Georgalakis, J., & Mikindo, T. (2016). Choosing between research rigour or support for advocacy movements, a false dichotomy?
- Saunders, M., Lewis, P., Thornhill, A., & Wilson, J. (2009). "Business research methods." *Financial Times*, Prentice Hall: London.
- Tarsilla, M. (2010). Inclusiveness and social justice in evaluation: Can the transformative agenda really alter the status quo? A conversation with Donna M. Mertens. *Journal of MultiDisciplinary Evaluation*, 6(14), 102-113.