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**Winner of the 2010 AFSAAP Postgraduate Prize**

**The Nubians of Kenya and the Emancipatory Potential  
of Collective Recognition**

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**Abstract**

The Nubians in Kenya, a community who have in the past been considered stateless, have recently begun to emerge from their marginal status in the country. Over the past two years, as individuals Nubians have had improved access to ID cards and as a group they received a code in the 2009 census. However these political gains are only part of a greater struggle on the part of the community to be fully recognized as a tribe of Kenya. Identity politics and claims for recognition dominate social politics in many African countries, however the normative underpinnings of these complex and often challenging claims are yet to be fully explored in the African context. Drawing on seven months of qualitative fieldwork, this article explores the emancipatory potential of collective recognition. By articulating a positive vision of the moral and political value of ethnic community, the article makes a critical contribution to theory of the politics of recognition in the African context.

**Introduction**

All over Africa, and in other parts of the world the politics of recognition have come in recent decades to dominate social and political relations. It is increasingly common to make claims for freedom of expression, culture and lifestyle; access to resources; and access to political power on the basis of one source of identity or another, often a collective identity. In Africa, ethnicity or tribe<sup>1</sup> are common bases on which these claims are

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<sup>1</sup> The term 'tribe' sometimes carries pejorative connotations of primitivism and often nepotism and patrimonialism. Nevertheless, in Kenya most people are quick to make a distinction between tribe and tribalism, the latter being a source of tension and discrimination, the former being a legitimate source of pride in and attachment to one's identity and community; Wamwere, Koigi wa, *Towards Genocide in Kenya: The Curse of Negative Ethnicity*, (Nairobi: MvuleAfrica Publishers, 2008): 95-97. Given these considerations, and the prevalence of the term in Kenyan political

made. Much has been written about the repressive and negative aspects of ethnicity. In some ethnic groups internal oppression, particularly of women, is a significant problem for those committed to justice and equality. Ethnicity has also been heavily implicated in corruption, nepotism, patrimonialism and conflicts. Inter-ethnic conflict does often represent a significant threat not only to national cohesion, but to personal security and well-being. Some ethnic groups adopt practices that offend our sense of equality and justice, testing the limits of our toleration of difference. However, to focus on only these negative aspects of ethnicity is to see only one dimension of the issue.

These often thinly veiled attempts at criticising Africans as almost primordial have only recently been supplanted, and still only on the margins, by a literature which is more engaged in grassroots empirical research. This literature attempts to understand the more dynamic and complex nature of sub-national identities, in particular by exploring and emphasising instances of inter-ethnic negotiation, co-operation and conviviality between communities.<sup>2</sup> Such research is on the way to developing a more well-rounded approach to ethnicity in Africa that aims to develop some kind of criteria for assessing the emancipatory, and not only the repressive potentials inherent in various forms of public recognition of collective identities, in this case ethnic identities.

This article explores the case of the Nubians of Kenya, a community who have in the past been considered stateless, but have recently begun to emerge from their marginal status in the country. The article brings together empirical evidence and political theory to make an argument that the emancipatory potential of recognising group identities is worthy of consideration. Specifically, the article argues that the lack of recognition, from both government and society, of the Nubians as Kenyan, constitutes a condition of domination and oppression,<sup>3</sup> and that emancipation from

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discourse, I use the word in a considered way devoid of negative value. I use it interchangeably with 'ethnic group.'

<sup>2</sup> Bruce Berman, Eyoh Dickson, and Will Kymlicka eds., *Ethnicity and Democracy in Africa*, (Oxford, Athens: James Currey, Ohio University Press, 2004); Harri Englund and Francis B. Nyamnjoh, eds., *Rights and the Politics of Recognition in Africa*, (London and New York: Zed Books, 2004); Francis B. Nyamnjoh, *Africa's Media: Democracy and the Politics of Belonging*, (London & New York, Pretoria: Zed Books and Unisa Press, 2005); Richard Werbner, *Reasonable Radicals and Citizenship in Botswana: The Public Anthropology of Kalanga Elites*, (Bloomington: Indiana University Press, 2004).

<sup>3</sup> Iris Marion Young, *Justice and the Politics of Difference*, (Princeton: Princeton University Press, 1990).

these conditions is best achieved through collective recognition of the community as a Kenyan *community*. The analysis draws on qualitative field research conducted from March to October 2009 with the Nubian community of Kibera, Nairobi, primarily semi-structured individual interviews with a broad spectrum of community members, as well as ethnographic observation.<sup>4</sup> It is not the intention of this article to ignore the potentially repressive aspects of tribe, but rather to use the limited space available to draw out a complex argument. Some of the dangers entailed in collective recognition, particularly insofar as it fosters exclusive attitudes to territory and land, are explored in my wider doctoral research.

### **Kenyan Nubians**

Kenyan Nubians trace their origins to the Egyptian slave armies of the nineteenth century, and more particularly to the forces stranded in Equatoria during the Mahdist rebellion and subsequently recruited into the Imperial British East Africa Company forces. These approximately 10 000 Soudanese, as they were called then, later became the King's African Rifles, Britain's East African colonial force.<sup>5</sup> Upon completing their military service they were settled in various parts of Uganda and Kenya, the largest settlement in Kenya being Kibera in Nairobi, or Kibra as it is known to the Nubians, which means 'forest' in Nubian. It is an area which is now one of Kenya's most notorious slums, the majority of whose present inhabitants are non-Nubian, belonging to other ethnic communities of Kenya, particularly the Luo community.

After World War II and particularly as the Mau Mau rebellion took hold of Kenya in the 1950s and independence loomed, the Nubians became a thorn in the side of the Colonial Kenyan government. Though there was

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<sup>4</sup> There are settlements of Nubians outside Nairobi in Kenya, in Kibigori, Kisii, Kibos, Eldama Ravine, Kisumu town, Mumias, Bungoma, Isiolo, Meru, Nyanyuki, Nakuru, Mogotio, Kericho, Kapsabit, Nandi, Kitale, Mombasa, Mazaras, Migori, and there are smaller populations in Eldoret, Muheroni, and Ahero. Most of the analysis in this article draws on material gathered in Nairobi.

<sup>5</sup> It is this migration that distinguishes the Kenyan Nubians who are the subject of this article from any other Nubians in Kenya including Christian Nubians, or those who migrated after displacement from Aswan caused by the construction and flooding of the dam. H.B. Hansen, "Pre-Colonial Immigrants and Colonial Servants: The Nubians in Uganda Revisited," *African Affairs*, 90:361 (1991): 559-80; Douglas H. Johnson, "Tribe or Nationality? The Sudanese Diaspora and the Kenyan Nubis," *Journal of Eastern African Studies*, 3:1 (2009): 112-31; B. Z. Nasseem and W. D. Marjan, "The 'Nubians' of East Africa: A Discussion," *Journal Institute of Muslim Minority Affairs*, 6:13 (1992): 196-214.

reasonably wide agreement that they had a moral claim to the land they were settled on by virtue of their military service and extended occupation of the area, the legal nature of this claim was always ambiguous. The Nubians thought they were given the land to own. The British, on the other hand, still considered it Crown Land, and increasingly valuable land at that. As such, the Nubians were officially considered ‘tenants at will’, vulnerable to eviction at any moment if the ‘Crown’ so desired. The Nubians were categorised as ‘detrified natives’ because of the severance of their connection with communities in Sudan, and the semi-urban lifestyle they had developed. The Nubians were not like the other African tribes the British had subjugated in Kenya, and the colonial government was generally unsure what to do with them, or their land claims. Originally loyal servants of the Crown, as the need for their military service decreased, they came to occupy a liminal status in the country: subject to neither settler law nor any Native Authority.<sup>6</sup> This liminal status has never been fully resolved. In today’s terms it can be legally reframed as being neither citizen nor foreigner, but rather stateless.

As individuals, Nubians have, at least until the last two years, faced severe discrimination in the acquisition of national ID cards, which in Kenya constitute proof of citizenship.<sup>7</sup> Although the 1963 constitution of Kenya stated that any person born in Kenya after independence to a parent who was also born in Kenya, is a citizen, this is difficult to prove, owing to the rarity of birth certificates for Africans pre-independence (and until recently). While members of one of the 42 recognised tribes are assumed to be born to Kenyan parents, Nubians (and some other groups) are often required to produce birth certificates of their grandparents and other difficult to obtain documentation to a vetting committee in order to prove their nationality and get an ID card.<sup>8</sup> The effect is that the Nubians are still not automatically considered full Kenyan citizens. This discrimination appears to have at least two bases. Firstly, there exists a widespread perception that the Nubians are still foreigners, and foreigners

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<sup>6</sup> Timothy Parsons, “‘Kibra Is Our Blood’: The Sudanese Military Legacy in Nairobi’s Kibera Location, 1902 - 1968.” *The International Journal of African Historical Studies*, 30:1 (1997): 87-122.

<sup>7</sup> Adam Hussein Adam, “Nubians: Standing up to Statelessness?” *Forced Migration Review*, 32 (2009): 19; Kenya National Commission on Human Rights, “An Identity Crisis? A Study on the Issuance of National Identity Cards.” (Nairobi: Kenya National Commission on Human Rights, 2007); Bronwen Manby, *Struggles for Citizenship in Africa*, (London and New York: Zed Books, 2009).

<sup>8</sup> Kenya National Commission on Human Rights, 2007.

with a close historical association with the coloniser and little well-known involvement in the independence struggle. Secondly, their Muslim faith also contributes to the discriminatory treatment for a complex array of reasons, including the cross-border nature of many predominantly Muslim ethnic groups, particularly Somalis who suffer similar discrimination, and Kenya's cooperation with the United States in counter-terrorism efforts.<sup>9</sup>

Many Nubians feel their physical as well as legal place in Kenya is also somewhat liminal, as they have no 'rural home' like other Kenyan communities. The Nubians continue to petition the President and the Prime Minister (separately) to grant them communal land title over the area they know as Kibra. The objective is to ensure that the irregular allocation of 'Kibra land' for public and private uses, which has occurred since it was first demarcated in 1912, will not continue. The land they live on has economic, security, and ancestral heritage value for the community. Since the decline in the number of Nubian men in the military around the 1940s, and as a result of the discrimination against Nubians in many sectors, many families have become reliant on the income from rental properties in Kibera for their livelihoods. Land title would allow them to erect permanent structures to make better economic use of the area as landlords. Nubians in Nairobi also consider the area the only place in which they would be safe in the event of any inter-ethnic conflict, as it is the only area they can claim as historically their own. This claim stems from their century long history, beginning with the clearing of the forest to make way for homesteads, which still stand in some parts of Kibera, alongside other sites of historical significance to the community. The Nubians are the only community to routinely bury their dead in Kibera, and as such, despite the relatively short duration of their stay there, compared to other ethnic groups in Kenya with ethnic homelands in other parts of the country, they consider the area their ancestral land. As a result of its proximity to the central business district and 'industrial area', which make it exceptionally valuable; and its position in the centre of the Prime Minister Raila Odinga's constituency

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<sup>9</sup> Kenya National Commission on Human Rights, 2007; Kenya Human Rights Commission. "Foreigners at Home." (Nairobi: Kenya Human Rights Commission, 2009). Kenya is engaged in intelligence sharing, and accepts military assistance and training from the United States, primarily to counter terrorist activity conducted by Somali groups in and around Somalia, including within Kenya's own borders. See Jodi Vittori, Kristin Bremer, and Pasquale Vittori, "Islam in Tanzania and Kenya: Ally or Threat in the War on Terror?" *Studies in Conflict & Terrorism*, 32:2 (2009): 1075-99.

of Lang'ata, the struggle for land in Kibera remains one of the most potentially contentious land problems in the country.

The Nubian community, like all communities, contains internal divisions, particularly around age and gender, but also in relation to their support for various political parties and projects. Nevertheless, discrimination in access to public respect, power and resources in Kenyan society, and a lack of recognition of their Kenyan nationality (sometimes more specifically misrecognition as Sudanese) affect almost all members of the community in some way.

### **Recognition Claims**

The Nubians can be variously considered foreigners, former migrants, non-natives or 'strangers', depending on your perspective or theoretical disposition, and these perceptions have a profound impact on their place in Kenya.<sup>10</sup> It is historically true that the Nubians descend from a number of Sudanese ethnic groups encountered in their migration, putting them in the complex position of having their contemporary identity defined by a national rather than straight-forwardly mono-ethnic origin. Furthermore, their Muslim identity is every bit as strong, if not more so, than their tribal identity. These facts dominate perceptions of the Nubians, placing them in a position of having to find grounds on which to articulate first their visibility (as opposed to invisibility in the category of Other), and secondly their Kenyan-ness.

In response to this, most Nubians strongly resist a contemporary identification with Sudanese nationality. Some Nubians have begun to adopt a self-identifying discourse of indigeneity, or even, though not articulated in this language, autochthony. Clinging to an identity that signals to other Kenyans that a particular community was the first to come to an area (as indigenous people), or quite specifically was the first to understand, control or work the land (as autochthons, or 'sons of the soil'), is an effective strategy to affirm belonging in Kenya.<sup>11</sup> Some

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<sup>10</sup> Almost no Kenyan Nubians maintain any active links with Sudan based on ancestry, though like other Kenyans, some go to either North or South Sudan in search of employment. The last request for repatriation was made during the 1950s under a leadership of elders long since replaced by a younger generation deeply committed to their place in Kenya. See Johnson, 2009; Kenya National Archives Microfilm Reel No.1 Section 17; MAA/8/117; MAA/7/458; PC/CP.9/15/5; OP/EST/1/365; Parsons, 1997. Any remaining families with active ancestral connections to Sudan cannot be seen as representative of the community as a whole.

<sup>11</sup> On the growing effectiveness of autochthony as a strategy of affirming belonging across Africa see Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship,*

Nubians also emphasise aspects of their history which are consistent with Kenya's contemporary goals as an independent African nation and downplay those historical circumstances which ally them with other countries, particularly Britain and Sudan. These attempts to self-identify as indigenous, and as having contributed to the building of the Kenyan nation, though nascent, are significant. Indigeneity is a highly contested concept in Africa, and one which it is both notoriously easy to claim and notoriously difficult to establish, but which nevertheless remains powerful in an era where political belonging is increasingly defined in these terms.<sup>12</sup>

These claims of indigeneity can be understood as a means of rejecting an intuitively (but not necessarily) more accurate understanding of the Nubians as 'strangers'. The migration of Africans from one territory to another at various points in history has created communities of 'strangers' all over the continent.<sup>13</sup> In her ethnography of Kumawu in Ghana, Sara Berry describes a complex relation of citizens and strangers within the village. Berry discusses in detail how, despite colonial insistence that people be categorised as either citizens or strangers depending on their allegiance to the local authority (stool), in contemporary Kumawu those distinctions are thoroughly blurred and different families have different versions of history, which result in different and sometimes conflicting positioning as citizens or strangers. Ultimately, who is a citizen and who is a stranger depends on who you ask.<sup>14</sup> Unsurprisingly, most consider themselves citizens. This ethnography resonates strongly with how the Nubians feel about their place in Kenya. Contesting a history that places them as allied with the colonial power, and not a 'real' part of Kenya, Nubians seek to position themselves as Kenyan.

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*and Exclusion in Africa & Europe*, (Chicago & London: The University of Chicago Press, 2009). On the increasing use of indigeneity discourses in Kenya in particular, see G. Lynch, "Kenya's New Indigenes: Negotiating Local Identities in a Global Context," *Nations and Nationalism*, 17:1 (2011): 148-67. On 'understanding', 'control' and 'work' as three idioms of connection to the land in Kenya, see J.M. Lonsdale, "Soil, Work, Civilization and Citizenship in Kenya." *Journal of Eastern African Studies*, 2:2 (2008): 305-14.

<sup>12</sup> Dorothy Hodgson, "Becoming Indigenous in Africa," *African Studies Review*, 52:3 (2009): 1-32.

<sup>13</sup> W. Shack and E Skinner, eds. *Strangers in African Societies*, (Berkeley: University of California Press, 1979).

<sup>14</sup> Sara Berry, *Chiefs Know Their Boundaries: Essays on Property, Power and the Past in Asante, 1896-1996*, (Portsmouth: Heinemann, 2001): 153.

Importantly, the primary way in which the Nubians seek affirmation of this self-perception as Kenyan is through collective, not only individual recognition from the Kenyan state and from other Kenyans as one of the tribes of Kenya. In Kenya, we see tribal identity emerge as the currency of legitimate claims to national belonging. As Tania Li puts it “Those who demand that their rights be acknowledged must fill the places of recognition that others provide,”<sup>15</sup> and in Kenya, arguably the most crucial ‘place’ provided by Kenyan society is in a tribe.

The centrality of tribe has its origins in the colonial period. The 1915 Crown Lands Ordinance established Native Authorities who each had jurisdiction over a Native Reserve, with boundaries determined along tribal lines. These boundaries enclosed particular communities of authority, rights, duties and membership. When the colonial government conducted its last census before independence, it redrew the boundaries of Native Reserves to make sure they reflected the geographical distribution of the 40 tribes they enumerated.<sup>16</sup> The only two tribes added after that time, in the 1969 census conducted by the first independence government were two groups of Somalis.<sup>17</sup> These 42 tribes have entered the popular imagination as *the* indigenous tribes of Kenya, part of the country at the time of independence. Though the 42 has its origins in that 1969 census, this is poorly understood by the population at large. The benefits that have evolved, albeit unofficially, are extraordinarily valuable. In tangible terms, these include preferential allocation of state funded educational bursaries, and preferential recruitment into the armed forces and civil service for each tribe in ‘its own’ area. However, the benefits are more profound and difficult to capture than that. Being a member of one of the 42 tribes grants a person the capacity to command public respect and a sense of membership in the nation that people from ethnic groups without that status do not have.

### **The emancipatory potential of recognition of collective identities**

In order to understand more specifically the reasons why collective recognition matters to the Nubians, or any other group, it is necessary to

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<sup>15</sup> Tania Murray Li, “Masyarakat Adat, Difference and the Limits of Recognition in Indonesia’s Forest Zone,” *Modern Asian Studies*, 35:3 (2001): 653.

<sup>16</sup> Ministry of Economic Planning and Development - Statistics Division, “Kenya Population Census 1962,” (Nairobi: Ministry of Economic Planning and Development, 1966).

<sup>17</sup> Ministry of Finance and Economic Planning - Statistics Division, “Kenya Population Census 1969,” (Nairobi: Ministry of Finance and Economic Planning, 1970): ii.

elucidate more specifically the harm that is caused by either a lack of recognition, or misrecognition, that is, as something other than what a person or people consider themselves. Though the Nubians have had improved access to ID cards, these ID cards have recognised their bearers only as *anonymous* citizens. Consistent with a liberal understanding of citizenship, ID cards accord a form of recognition which, though valuable in a hugely significant way, is blind to identity and therefore to difference within the national community. This difference blindness is premised on the notion that it is what is required for equality. However, in many cases equality in fact requires acknowledgment of difference. The notion that universalism results in some kind of non-sectarian equality is profoundly flawed. Rather, it perpetuates, knowingly or unknowingly, the oppression of non-dominant groups by the dominant group. Groups whose experience, culture and socialized capacities are different from those of the privileged groups live subordinately to the mainstream groups, and have their own ways of life devalued.<sup>18</sup> In the case of Kenya, the dominant group is not one particular ethnic or cultural group, as it often is in Western liberal democracies, but is rather constituted by the 42 recognised tribes together. This means that their dominance is somewhat mitigated by their diversity, but it does not mitigate the suffering of those who remain outside this recognition regime, such as the Nubians.

Prior to 2009, the Nubians were counted as ‘Others’ in the national census, a status that has permeated their sense of belonging in Kenya more generally.<sup>19</sup> ‘Others’ are almost certainly the most politically charged group to emerge from any census that uses the category, absorbing all those inexplicable anomalies that do not fit in a given year into the census makers’ understanding of the ethnic, religious or linguistic makeup of the national community.<sup>20</sup> Amongst the Nubians, the feelings

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<sup>18</sup> Iris Marion Young, 1990: Chapter 6.

<sup>19</sup> None of the figures for either ‘Sudanese’ in the 1962 census or ‘Non-Kenyan African – Sudanese’ or ‘Non-Kenyan African – Others’ in the 1969 census correlate with independent research on population and housing in Kibera; see David Clark, “Landlords and Tenants in Kibera, Nairobi,” (Kenya National Archives, 1970); P. Amis, “A Shanty Town of Tenants: The Commercialisation of Unauthorised Housing in Nairobi 1960 – 1980,” (Kent: PhD Thesis, University of Kent, 1983). Therefore, it is not clear in which category the Nubians were counted in those years. These are all poorly defined terms which, even if ‘Others-Kenyan’, suggest non-citizens. For example, where the categories originate, in the 1969 census, it says “Africans who are nationals of Kenya are shown by tribe.” See Ministry of Finance and Economic Planning Statistics Division, 1969: ii.

<sup>20</sup> Benedict Andersen, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. (London: Verso, 1983). 166-170.

associated with being relegated to this category were predictably negative, being described as embarrassing or humiliating, “like the other tribes who are just here by mistake...” (Muhidin,<sup>21</sup> male, age 60+), or in other ways somehow lesser, like foreigners, children, vagrants or even animals. Hassan (male, age 25) thought the label might be because “we used to be called like refugee, they used to refer to come from Sudan”, a notion Hassan and many of his peers associate with a distant past. In some cases it was even perceived as not being visible or audible at all, for example Jamia (female, age 34) said “We are so *minority* that no one even could *consider* ... even if you go to the hospital you will be asked ‘Nubi – from where? Sudan?’ you see! You will just be like oh god, I am nothing in Kenya! So our voices could not be heard.”

These comments serve to demonstrate the extent of the feeling of oppression and domination sometimes experienced by Nubians as a result of their mis-recognition as non-Kenyan. Iris Marion Young argues that domination:

consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action, either directly or by virtue of the structural consequences of their actions.<sup>22</sup>

Domination is, in short, any systematic condition under which people are denied the opportunity to use their communicative capacities to change their society in a way that is meaningful for them. Furthermore, for Young, while domination is the experience of being unable to exercise any social or political influence, *oppression* is any systematic condition under which people are inhibited from even developing as expressive people capable of such influence.<sup>23</sup>

Young further identifies five faces of oppression which, though perhaps not so easily classified as distinct and independent experiences, do nevertheless help us to articulate precisely what constitutes oppression.<sup>24</sup> Two aspects in particular are very relevant in this case: marginalisation and powerlessness. The categorisation of the Nubians as Others renders

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<sup>21</sup> Names in inverted commas are pseudonyms. Names without inverted comments are genuine and used with the express permission of the person concerned.

<sup>22</sup> Iris Marion Young, 1990: 38.

<sup>23</sup> Iris Marion Young, 1990: 38.

<sup>24</sup> Iris Marion Young, 1990: Chapter 2.

them *marginalised*, in that the failure to recognise them as Kenyan excludes them from “useful participation in social life”, and many Nubians do suffer the material deprivation that often follows from that exclusion. Many of them even fear extermination if this situation is not reversed, particularly if they are not given land title. For example Hassan (male, age 30) said “...this is a race which is going to be extinct, you know. ...We are trying to bring back our culture, but I don't know. I blame them [the British], you know. They could have given them [the Nubian ancestors] a place [land]”.

While the recognised tribes of Kenya dominate public life (certainly some more than others), those who do not fall into the 42 are marked as Other, in this case literally. The failure to recognise the Nubians as Kenyans, that is, their marginalisation and invisibility, leaves them *powerless*. In particular, it is extraordinarily difficult for the Nubians to express themselves in public in a way that commands respect from other Kenyans. This is exemplified by a press conference held the day before the census during which the Kenya Nubian Council of Elders (KNCE) voiced their grievance about being counted as Others in the past, and their hope that this year would be different. Though there were four members of the press there, the conference, like the issues facing the Nubians in general, received very little coverage in the mainstream media.<sup>25</sup> Importantly, these forms of oppression are applied to the Nubians *as Nubians*, demonstrating the necessarily collective nature of their grievances and desires in relation to recognition.

The value of collective recognition therefore lies in its capacity to emancipate the Nubians from this position of oppression and domination, both affective and material. Young suggests that the remediation for domination is the ability and capacity to determine one's actions and the conditions of one's action, usually through thorough democracy; and the remediation of oppression is the establishment of conditions under which all people can advance the development and exercise of their communicative and expressive capacities. It is in working towards these

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<sup>25</sup> This is slowly beginning to change, with some feature and opinion pieces on the Nubians and their struggle for title deed for land in Kibera being published in the last year. These include Njoki Chege, “Endless Agitation for Land,” *The Standard (Nairobi)*, 27 May 2010; and Ismail Ramadhan, “Nobody Can Wish Away Nubian Land Question,” *The Standard (Nairobi)*, 7 June 2010. Some older articles include Ismail Ramadhan, “A History of Evictions to Give Room for Newer Settlements,” *The Daily Nation (Nairobi)*, 7 December 2001; and Ismail Ramadhan, “Origins of the Kibera Land Row,” *The Daily Nation (Nairobi)*, 4 October 2004.

remedies that recognition presents itself as holding the potential for emancipation.

Our self-esteem and the full realisation of our identity depend on its recognition from significant others in our lives,<sup>26</sup> but also from the institutions and wider societies in which we operate, which shape the conditions of our lives, for example the law.<sup>27</sup> Recognition of collective identity is, at least in this case but also undoubtedly in many others, as crucial as recognition of the more individual aspects of our identity. This is because collectivities develop particular ways of life that play an extremely central role in individual identities. To deny recognition of the collective is also therefore to deny recognition of many aspects of the individual. In relation to ethnicity in particular, the ways in which collective beliefs and practices impact on individual identity are many and significant. Ethnic groups provide ontology of life and death, and of past and future generations.<sup>28</sup> They therefore also provide (in the Nubian case in close association with Islam) the moral guidance necessary for individuals to maintain their cultural and spiritual integrity.<sup>29</sup> Ethnic groups perform the rites of passage through life stages that play a central role in a person's perception of self and others, and of the social order. Ethnic groups exhibit a great deal of control over social capital, and access to rights. As such collective connections, and the variations they display in different groups, regions, and contexts are vitally important for understanding human relations.<sup>30</sup> Certainly ethnic groups are not the only groups who are entitled to make claims for collective recognition.<sup>31</sup> Other groups affiliated on the basis of race, gender, class, lifestyle or particularly religion can play similarly central roles in people's ontology

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<sup>26</sup> Axel Honneth, "Redistribution as Recognition: A Response to Nancy Fraser," in Axel Honneth and Nancy Fraser, eds., *Redistribution or Recognition? A Political-Philosophical Exchange*, (London and New York: Verso, 2003); Charles Taylor, "The Politics of Recognition," in Charles Taylor and Amy Guttmann, eds., *Multiculturalism and the Politics of Recognition*, (Princeton: Princeton University Press, 1994).

<sup>27</sup> Costas Douzinas, "Identity, Recognition, Rights or What Can Hegel Teach Us About Human Rights?" *Journal of Law and Society* 29:3 (2002): 379-405.

<sup>28</sup> N. Glazer and D. P. Moynihan, *Ethnicity: Theory and Experience* (Cambridge, MA: Harvard University Press 197); Anthony Smith, *The Ethnic Origin of Nations*, (Oxford: Basil Blackwell, 1986); Crawford Young, *Ethnicity and Politics in Africa*. (Boston, MA: Boston University African Studies Center, 2002).

<sup>29</sup> Hodgson, 2009.

<sup>30</sup> Peter Geschiere and J. Gugler, "The Urban-Rural Connection: Changing Issues of Belonging and Identification," *Africa*, 68:3 (1998): 313.

<sup>31</sup> Thomas Pogge, "Group Rights and Ethnicity," In Ian Shapiro and Will Kymlicka eds., *Ethnicity and Group Rights*, (New York: New York University Press, 1997).

and identity, and therefore determine status in a particular social order.<sup>32</sup> Nevertheless, in the Kenyan context, the particular socio-historical circumstances have determined that ethnic identity is especially salient in the case of the Nubians.

To return to the example of the census, 2009 was the first census in which the Nubians were given a code for ‘the tribe question’. For many of those who responded ‘Nubian’, the significance of the code was as an affirmation of their identity. David Kertzer & Dominique Arel describe census coding as the production of “true” and “real” identities, the “nominat[ion of] ethnic groups into existence”.<sup>33</sup> Understood this way, census coding affirms the notion that identities do not just benefit from but are in fact *dependent upon* recognition from others of that identity. Charles Taylor explains this best when he says: “... our identity is partly shaped by recognition or its absence, often by the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.”<sup>34</sup> This can help us understand the feelings described by some Nubians when they were counted as Others: they felt like foreigners, vagrants or animals, compared to their feelings when counted as Nubians, where they felt known, proud, and ‘*there*’.

It is not only ontological benefit, self-esteem and respect that come from recognition. It also plays a more direct role in preserving vulnerable communities. The invisibility that results from non-recognition has particular material consequences that can severely threaten a community’s unique way of life, or at a minimum pose serious barriers to the material advancement of a community. One of the most talked about benefits that the Nubians perceived would arise from being coded in the census was that they would, for the first time, know themselves in a meaningful statistical way, including the most basic of figures: their population. Yusuf Ibrahim Diab, Secretary of the KNCE said “We want to know how many we are, the distribution and the resourcefulness, educational capacities ... We sort of want to have a databank of the

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<sup>32</sup> Chris Armstrong and Simon Thompson, “Parity of Participation and the Politics of Status,” *European Journal of Political Theory*, 8:1 (2009): 109-22.

<sup>33</sup> David I. Kertzer and Dominique Arel, “Censuses, Identity Formation, and the Struggle for Political Power,” in K.M. Dowley, ed. *Census and Identity: The Politics of Race, Ethnicity and Language in National Censuses*, (Cambridge and New York: Cambridge University Press, 2002): 20-21.

<sup>34</sup> Taylor, 1994: 25.

Nubian community, that we can use ... to challenge ourselves that there are certain things we can do for ourselves.” It is for this very reason that the KNCE also conducted an independent shadow census, sponsored by the Open Society Institute for East Africa, conducted in December 2009. After decades of not knowing how many they are, with estimates ranging between 6 000 (widely thought in the community to be a severe underestimate) and 200 000, many are looking forward to finally having a credible figure to define themselves.<sup>35</sup>

As well as the ontological benefits of simply knowing, the community hope that this information will better equip them to lobby the government for resources, and especially land title. This demonstrates the way in which visibility leads to significantly increased capacity to organise a group of people to pursue their interests, and fight for their entitlements, in this case as citizens. Strengthening of social groups through recognition can help them attain better material standards of living and preserve their unique way of life. Recognition can help oppressed groups discover and reinforce the positivity of their experience, give them a more solid context in which they can express themselves in a way that commands respect, particularly by appealing to justice rather than desire, and maximise the social knowledge within and without the group in a way that contributes to practical wisdom.<sup>36</sup> Not only did KNCE and other Nubians experience an affirmation of their identity that contributed to improving their self-esteem, but the KNCE and other Nubians sought to exploit their recognition in the census along these more material lines as well. By doing so, these Nubians seek to mitigate the material deprivation that has resulted, at least in part, from their marginalised status.

Finally, an appreciation of the value of recognition of an ethnic group requires an appreciation of the multiplicity of identity, or what Nancy Fraser calls in her study of recognition, the horizontal complexity of human relations.<sup>37</sup> No individual identity depends on membership in one group alone, although in some cases one particular group can be much more salient than others. Rather, we each derive our sense of self from our membership in a number of different groups, some more homogenous than others, some more tightly connected than others. One can be a Nubian, a Muslim, a Kiberan, a Nairobi, a member of a youth group, a

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<sup>35</sup> To date (March 2011), the results from this shadow census have not been released.

<sup>36</sup> Iris Marion Young, 1990: Chapter 6.

<sup>37</sup> Nancy Fraser, “Social Justice in an Age of Identity Politics,” in Axel Honneth and Nancy Fraser, eds., *Redistribution or Recognition? A Political-Philosophical Exchange*, (London and New York: Verso, 2003).

women's group, a civil society organisation, and a Kenyan all at once. In different contexts at different times each of these aspects of one's identity will carry varying importance.<sup>38</sup> Furthermore, and crucially for the argument being made here, these identities can in many cases be interdependent. Recognition as a member of one group requires recognition as a member of another. For example, in some cases of intermarriage, one must be recognised as a member of a particular religion before one will be recognised as a fully-fledged member of the new family. In the case of the Nubians, their responses to the census demonstrate that individual recognition as a Kenyan requires recognition of their tribe as Kenyan.

The feelings of satisfaction and pride at being recognized and known as Nubian can be distinguished from (but often exist in tandem with) those which were more specifically associated with being seen not only as Nubians, but as Kenyan Nubians. The census was widely perceived not just as a counting exercise (which it in effect was, for everyone in the country was counted, including foreigners), but as an exercise in the validation of citizenship as membership of the Kenyan nation. 'Amina' (female, age 39) described how the census code changed how she felt about the place of her tribe amongst the others in Kenya:

To me, it is good, finally we are being recognized. But still, I mean the whole nation, and all the other tribes you know they cannot absorb. They know it is 42 ... But ah kind of it makes me feel like being somewhere. At least when people start talking about 42 tribes, I say no! It's 43, and my tribe is the 43rd tribe. And then when they say that, they kind of ask me 'How? Who are you?' – 'I am a Nubian!' and then it gives me the opportunity to explain who Nubians are, how they came about.

Though the details of the coding did not place the Nubians as 43<sup>rd</sup> of 43 tribes, but rather gave them code '220' 'Amina's' comments are testament to the salience of the prevailing discourse of belonging. Issa Abdul Faraj, Chairman of KNCE, echoes 'Amina' when he says "...the government has recognised us as the 43<sup>rd</sup> indigenous tribe of Kenya, which means we are like everybody else, like the big tribes, the Kikuyu, the Luo, the Kalenjin, Maasai, you name them, Luhya. So you have the Nubians."

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<sup>38</sup> Armstrong and Thompson, 2009.

Even in cases that at first glance suggest a rejection of tribal identity, the dynamic of recognition at play is more complex. A nation-wide movement (though strongest in Nairobi) named 'Tribe Kenya' tried to convince people to identify as 'Kenyan', an option available for the first time in the 2009 census, rather than by tribe. This movement was supported by those who believe that tribe is that the root of many of Kenya's problems, including the post-election violence. This anti-tribalist sentiment has its place in the Nubian community as in any other, and some participants reported choosing 'Kenyan' as their tribe. For example, 'Zeddy' (female, aged 60+) said "I'll just tell them I am a Kenyan, because I am of course. I would just tell them I'm a Kenyan. I wouldn't say I'm a Nubian, and even if I say I'm a Nubian still I'm a Kenyan, yeah?" 'Zeddy' demonstrates what could be interpreted as a superior allegiance to her Kenyan identity, but she is quick to also defend her Nubian one, and their compatibility. In fact, she is rhetorically baffled by why such a compatibility would be contested. For 'Zeddy', being a Nubian simply is being a Kenyan.

These comments raise explicitly what is particular about the case of Kenya compared to many other countries. Because the government already recognizes tribes as such, the claims of the Nubians for the same are nothing more than that – claims for equal treatment. For 'Amina' and Issa, a code in the census does not represent any special or preferential treatment, but rather merely puts their community on a par with others as part of the legitimate ethnic makeup of Kenya, entitled to the same understanding and resources afforded to any other Kenyan tribe. This is indicative of the extent to which collective (tribal) recognition is necessary in Kenya for any sense of belonging to the nation.

## **Conclusion**

This discussion has served to demonstrate the emancipatory potential of collective recognition in a national context which is already dominated by a discourse of collective identities, particularly tribes. The way in which many Nubians have experienced the gradual recognition of their ethnic group as a Kenyan tribe serve to demonstrate three important points about collective recognition. Firstly, it is not a luxury, but is rather necessary for the sustenance of sufficient levels of self-esteem and ontological security. Secondly, collective recognition can create the conditions under which material deprivation can begin to be overcome, and can be avoided for future generations. And finally, it acknowledges and supports the horizontal complexity of human identifications. By performing these tasks, collective recognition can contribute to an emergence from

marginalisation for minority, migrant and stranger groups, and an empowerment of oppressed groups, enabling instead emancipated citizens. Only if we understand this positive potential of collective recognition and how it is manifest and experienced in particular cases will we be able to better tackle the repressive potential of ethnicity and collective identifications that have traditionally dominated research and thought in this area.

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