Journal of African Interdisciplinary Studies (JAIS): **ISSN 2523-6725** (online)
June 2023 Vol. 7, No. 6
Citation: Ngonela, S. A; Mafumbo, K. C & Katono, N. (2023). Negotiating Identity Differences: the Role of Institutions in the Emergence of Local Identities. *Journal of African Interdisciplinary Studies*, 7(6), 181 – 190.

Negotiating Identity Differences: the Role of Institutions in the Emergence of Local Identities

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Abstract
The purpose of this article is to examine dynamics of identity among the Nubi in Kibra in Nairobi City County, Kenya. The contention of this article is that the significance of the local and the indigenous has gained wide attention in peacebuilding in the last decade. These processes of the local and the indigenous in peacebuilding are entrenched in institutional structures, thereby creating new operational rules and identities for new actors as the old ones are transformed. In this paper, the focus is on the construction of institutions and identities among the Nubi in Kibera, Nairobi County. This case shows how the Nubi as a community has undergone historical process of (Re)interpretation and reconstruction of identities and institutions in a liberal based system. Identity and institutional changes have eventually been nipped in the bud the voices of the Nubi to an extent of an acknowledgment that even institutionalization still result in constant renegotiation of identities, actors and rules in play. Behind the veil of a modicum of stability that may arise and silence active processes of accommodation are at play that allow stability. Examining these processes of rejection and accommodation through a social-historical process gives a good insight and locus for understanding local peacebuilding.

Key Words: Identity, Indigenous, Indigeneity, Subaltern, non-indigenous, Peacebuilding, local.

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1.0 Introduction

The concept of the local in peacebuilding has had a far-reaching honest share of its attention, particularly as a place where issues of governance can be looked at in a participatory manner. In addition, the local provides the foundation for the crystallization of the voices from below and the spaces for their articulation. The focus on the local is not new, it has been deployed as a model in governance, especially among the civil society, communitarian and democratic liberal regimes. These participatory approaches in local peacebuilding are embedded in a wider framework of existing institutional frameworks of governance. The introduction of a localized mechanism of peacebuilding, creates new subjects, identities, actors and roles to that effect, and altars the existing ones. In the long run, they influence the wider institutional set up (Assche, Kristof & Beunen, Raoul & Duineveld, Martijn. 2014). Ostensibly, in Kenya, article of the constitution gives sovereignty to the people (Article 1 (1) of the Constitution of Kenya, 2010). This sovereign power can only be exercised directly or through their democratically elected representatives (Article 1(2) of the Constitution of Kenya, 2010). This constitution further devolves power and responsibilities to the county level, through constitutional delegation (Article 1 (3) (b) of the Constitution of Kenya, 2010).

The demands of these communities have not just been confined to ownership of material goods and access to basic human related services as well as civic and political rights. The ability to air your view on a matter of concern, to contribute to the society, participate in critical decision making that affect your way of life at the lowest incidence of administration and governance and more critical the desire to be heard are key tenets of demands in a society (Stewart,). Reaching these demands is an essential facet in the process of growth of societies out of perceptions of marginalization and fragility to conflict to sustainable peace. Participation has been premised as a critical feature of peacebuilding dynamics at the local level. Usually, participation is a start in involvement of key stakeholders even in intractable conflict.

The emergence of voices from below, and effective support of marginalized groups in fragile and divided societies enables the local people to locate spaces for articulation of these ideals. The need to have an in-depth analysis and interrogation of the local-level dynamics has become central to peacebuilding after the 'local turn'. Donais (2015) refers to it as both a site of praxis and a birth place of agency. The inadequacies of liberal peace, and the frameworks that arise out of the everyday resistance and hybridization have thrust 'the local' at the center of contemporary peacebuilding. The exclusion of 'the people' who are supposed to be central to peacebuilding processes from the peace building equation has been one of the factors in the peacebuilding crusade. This has quickly been supplanted by 'the local turn' debates in peacebuilding even when the specific consequences are yet to be known (Mac Ginty & Richmond, 2013). The most significant supposition of this debate is that the focus on the local and the sub national dynamics of peacebuilding has to do with the inadequacies of liberal peacebuilding are mostly set in state-centric approaches (Donais, 2015), and provides

a better foundation to shield states from ravages of conflict. To date the debate of the local turn is by a dissonance of thinking. This clearly shows the emended local-turn dynamics but also its irredeemable vibrancy (Mac Ginty, 2013).

The state building and state making mechanisms of institutionalisation as agents of peacebuilding have been seen as an oversimplification of complex set of processes. On the contrary, the local turn has added a new set of actors in the peacebuilding process. These actors are no longer passive recipients but active participants in the peacebuilding discourse. As such, Barnet and Zürcher's (Barnett & Zürcher, 2009). Conception of peacebuilders to the critique of the social, the people and the state as well as the state and the international community. In that breath, 'the local turn' in peacebuilding has fitted into the discourse that peacebuilding in a broader sense is premised on the state-society relations in conflict zones (Organisation for Economic Co-operation and Development [OECD], 2011). Therefore, the input of the local dynamics is directed to the national peacebuilding processes where a quantum of resources is engaged. The focus is pertinent in not only trying to understand the failure of the elite to bridge the 'local-national nexus of peacebuilding, but also the mystery of the processes that need to be well elaborated whether the local in themselves have the capacity to 'cascade' to the lowest stratum (Twose, 2009). Hemmer et al., (2006) posits that the 'top-down' peacebuilding processes have continuously lacked linkages with the bottom peace processes.

The focus on multi-track approaches to peacebuilding with the agency to peace centered on the people has been advocated by (Lederach, 1997). These multi-track peacebuilding approaches have gained currency through the notion of vertically integrated peacebuilding (Donais, 2015). These approaches seek to coherence the UN Level peacebuilding at the local level. These are specifically targeted towards the linkage of the national processes (Leaders and institutions) and the grassroots in John Paul Laderach's conception (Lederach, 1997: 183). Accordingly, in case the centrifugal forces of state building point to the state-society relations, then a vertical integration calls for the linkage of the top-down and bottom-up processes, based on approaches that that weigh in to the advent and development of a social contract between the governed and the governors.

1.2 Statement of the Problem

The Local actors in peacebuilding involves a myriad of actors, these may be individuals, communities, international organisations, the state among others. These entities are in constant negotiation, developing and following different rules of conformity in the society and engagement of their missions (Kristof et. Al., 2018). The historical ancestry of the Kenya Nubian community is traced to Nuba Mountains in Sudan (De Smedt, 2011). However, despite of the repealed constitution of 1963 and the 2010 constitution giving them a right of citizenship, the Nubi found themselves as strangers. They were of a foreign origin, professed and practiced Islamic religion and their language was Arabic. As such, they were outgroups from inception. As a result, the liberal system of laws, institutions and capitalist markets make possible the propagation of the divisions of indigeneity and non-indigeneity. Further still, indigenous nationalism may sow and germinate seeds of "neo-liberal practices that further propagate global capitalistic relationships and practices (Sharma & Wright, 2008). The failure to accept a community by others on the pretext of non-indigeneity, relegates subaltern subjects to a level of silence and non-recognition (Brayd & Rothberg, 2011: 6).

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Review of Related Literature

1.3 The Local in Peacebuilding and Indigeneity

Local peacebuilding involves a myriad of actors, these may be individuals, communities, international organisations, the state among others. These entities are in constant negotiation, developing and following different rules of conformity in the society and engagement of their missions. They are influenced by many actors and are in turn influenced. In this type of societies, identities of actors have a significant role (Kristof et. Al., 2018). A focus on identity politics within and groups is not a new development (Tajfel, 1982). In various societies distinct groups construct their identities through labeling and comparisons of In-groups and out-groups. This paper essentializes indigenous conceptualization and understanding of the nation. This approach depoliticizes and denies the differences between the indigenous people and the non-indigenous. In fact, these nationalisms are cisheteropatriarchal and hierarchical products of colonialism, and ontologically products of the Western State system (Sharma & Wright, 2008). The indigenous conceptualisations therefore provide ontologies of the nation that reject power bureaucracies and hierarchies and lay foundation for decolonial modes of governance. Sharma and Wright are of an opposing view on indigenous nationhood and colonialism. Their interpretation is that the latter is an expulsion of the non-indigenous. They further contend that indigenous nationalism may sow and germinate seeds of "neo-liberal practices that further propagate global capitalistic relationships and practices (Sharma & Wright, 2008)." Rita Dhamoon (2015). on the other hand, argues that the bone of contention is on the enabling and regulation of movement of migrants by the international state-system that promotes settler colonial projects and vice versa.

The liberal system of laws, institutions and capitalist markets make possible the propagation of the divisions of indigeneity and non-indigeneity. The historical ancestry of the Kenya Nubian community is traced to Nuba Mountains in Sudan (De Smedt, 2011). The largest contingent of the Nubi is settled in Kibera Nairobi but others are scattered in other major towns in Kenya. They were first settled in Kenya as part of the British African rifles in the first and second world war (Johnson, 2009). During the colonial era, the Nubians were allocated land in Kibera- Kibera as a word denotes forest- This stem from the Sudanese Arabic language. These were a segment of the Sudanese Veterans that had been settled there as early as 1911. The Nubi found themselves as strangers. They were of a foreign origin, professed and practiced Islamic religion and their language was Arabic. As such, they were outgroups from inception.

In spite of the first group of the Sudanese being seen as out groups, they were a powerful entity. They derived their power directly from the colonial administrators. They were not pre-destined to easily assimilate and socialize with the locals. They were a distinct group, with their roles cut out. They were supposed to ensure compliance and conformity to the rules of the colonialist and make them submissive. After independence, they still stayed in Kenya, their role in the colonial regime distanced them from mainstream economic and political activities. It equally curtailed their social bearing and education status. Their infamous role is behind them, they are hardly a threat to the other communities, instead, the 1963 independence gave the 'citizenship' but the 1963 constitution still failed to recognize them as bona fide legal entities as Kenyan citizens. Given the above history, the Nubi have failed to assert themselves as citizens. As such, there are questions about their identity. Kakole (1985) asks, are the Nubi an ethnic group or not? Are they a Muslim club or a ethnic group? They have struggled in the last few years to assert themselves as citizens, but the

Kenyan state has rejected that all through. The question has always been are the Nubi a ethnic group or not? They are said to be a 'Muslim Club rather than a tribe (Kokole, 1985).

The incorporation of indigenous realities in the conceptualization of treaty enables racialized arrivant-communities in historical trajectories to live together in mutual and symbiotic relations. These relations are considered to encompass spiritual import (Tuck & Yang, 2012: 19). Therefore, there is always a need to distinguish between groups that have acquired settler privilege and arrivant- complicity as well as arrivant-privilege and settler complicity such that they are spread in the same manner. Equally, racialized subjects marked as the Nubi in Kibera without disavowing the former. If indigenous people, the Nubi, and the other communities seek to go beyond the triadic strata of indigeneity and non-indigene is still dependent on certain colonial structured political and economic arrangements. These are relative to Byrd's classification of arrivant, and Ahmad's migrant categorisation. Indigeneity as an orientation defines the place, and the nature of settlement and belonging (Brayd & Rothberg, 2011)." The failure to accept a community by others on the pretext of non-indigeneity, relegates subaltern subjects to a level of silence and non-recognition (Brayd & Rothberg, 2011: 6). The state apparatus and systems of governance according to Lovelace (2016) impede indigeneity and indigenous engagement in a thoroughly indigenous world."

1.4 Methodology

In order to gain insight to peacebuilding and contested identities, this paper focused on two case studies from a social-Historical perspective. This paper examined the interactions between these two ethnic groups and other ethnicities in their local area of residence and how they are shaped or shape liberal peace interventions by the state, civil society groups and international organisations. This approach is salient since it helps in understanding the development of things, derive the patterns of development and mechanisms for comparison. Both cases represent an ethnic community in contestation with other local ethnicities about land ownership, identity, ancestry and place of origin, nationality among others.

In both cases, data was collected through archival materials, narratives and interviews. With particular knowledge about the history of settlement and land demarcation, and the history of conflict and peacebuilding. These included the following: Village council of elders, griots, youth, women and the local government officials-County commissioner and chiefs, and representatives of local civil society groups. In total, for Kibera of 23 interviews of people with particular knowledge about the history of settlement and land demarcation, and the history of conflict and peacebuilding were done. This hat included: Village council of elders, griots, youth, women and the local government officials - County commissioner and chiefs, and representatives of local civil society groups. In addition, focus group discussions were conducted that brought together various actors. In total of 5 focus group discussions were reached.

The interviews were semi-structured and served the respondents well since they gave their perspectives on their history and the intractable conflict in the area. The questions were structured in a way that they incorporated various events in history and their relation to shaping identities and conflict. After the field interviews the audio recordings were transcribed, the field reports and interviews and archival materials were then analyzed focusing on themes related to identity and ancestry, nationalism, property ownership. Coding was done and themes developed that turned to be the sub-categories of this study. The coded parts were then historically arranged and anaylsed in the way they relate to each other. This

social historical and longitudinal way was important in gaining insight in the past through reconstruction of the present.

1.5. An Emerging Conflict of Identities

Since their settlement in Kibera, the Nubi have experienced a contested identity. The Nubi have been in Kibera for over 50 years, but they are not considered indigene. Studies on indigeneity in Africa have proved problematic given the nature of the settlement of a people in an area and the difficulty in determining the interests and which group have temporal priority in a given area. As such, these studies contend that indigeneity is a status that is ascribed to a certain group for specific status or benefits, often deployed to right the wrongs of the past. Indigeneity is an act that seeks equal positioning, and not a special slot but a norm (Balaton-Chrimes, 2013).

Here in Kibera, the communities at the beginning were close- units, tied together by Islamic religion and a common military history in the military. However, with modernity and the emergence of the concept of nationality, it was expected that such identities will wither away to create a strong nation-state especially in urban areas (Kenya National Commission on Human Rights, 2007). While ethnicity may be seen as divisive, it is in fact a mobilizing tool in urban centers. It is central to acquisition of housing, jobs and social amenities. We were moved out of our house in Katwekera to pave way for another friendly ethnic group prior to the 2002 elections, we moved to Makina, a predominantly Nubi area, but again in 2007 we were evicted since we were of a different community associated with the party not accepted in the area (Interview, Kibera Resident field work 2021). In addition, the ethnic identities are instrumental in fanning conflict or in peacebuilding. In the process of settlement of other communities who are predominantly non-Muslims, especially Christians, has altered identities when it comes to political competition.

After settlement in Kibera, the Sudanese communities withered away and one 'Nubi' Identity crystalized. At their time of arrival, Atieno-Odhiambo, contends that their perception as a community had already been born. They were now an ethnic community on their own right. Suffice to not that, the Nubi are not the only community to have creolized through incorporation of strangers. The Sengwer of Embombut Forest and West Pokot are an ethnic group made up of the Pokot and the Nandi of Cherangani Hills. Others in Africa include the Creoles, the descendants of the slaves in Sierra Leone, the Chikunda in Mozambique, the Griquas in South Africa are all examples of such 'artificial' groups. Their uniting bond is not a historical or ancestral origin, neither did they occupy their land of settlement through normal migration process, but through allocation by a powerful entity, such as colonial government or even the independence government as the Sengwer of Embombut and West Pokot.

As an ethnic community, their ethnicity is hinged on the ability to speak *Kinubi*-the Nubi language. In addition, they practice Nubi customs that include: Traditional weddings, take part in traditional entertainment functions-*dholuka,* and attend burials-*Dhofunu.* The Kenyan state is a secular state (Article 8 of the Constitution of Kenya, 2010). Despite this express of the secular state, at its birth the Kenyan state was born from a British colony. The British had converted a majority to Christianity. As such, the Nubi find themselves as a religious minority. Furthermore, their dress code, especially women, their religion and cultural traits set them apart from other Kenyan communities as a distinct ethnic community.

On the other hand, Kakole contests the Nubi identity in East Africa. He argues that they do not represent an ethnic community, instead it is a social group comprising of different ethnic communities with an ancestral history from Sudan, the Democratic Republic of Congo, and Uganda. These ethnic groups were united by the threads of a creolized Arabic and Islamic religion. They therefore do not constitute an ethnic community, but a 'club' of people with shared social characteristics. Kakole's classification is drawn from the primordial perspective of conceptualization of ethnicity as a construction of birth. This reliance on kith and kin structure, is against his view that ethnicity transcends fixed characteristics such as common land and territorial boundaries.

1.6 Diverging Perspectives

The 1963 and 2010 constitutions of Kenya entitle every citizen to the right of Kenyan Nationality. Under the Liberal framework the state has laws that guarantee citizenship or outlaw it. Citizenship in Kenya is governed by chapter three of the Constitution of Kenya. Section 14 provides for citizenship by birth, Section 15 citizenship by registration and section 16 Dual citizenship. From the foregoing citation, Kenyan Nubians born in Kenya prior to 11th December 1963, born of one or both parents are Kenyan citizens. All people of the Nubi descent are Kenyans as per the Citizenship law- They are not only limited to the Nubians born outside Kenya prior to independence but also those born of a Nubi parent after Independence. The 2010 constitution enshrines that too.

Despite this, the Nubians Nationality is contested. Historically, they have been considered as stateless and as discussed earlier they have been seen as aliens from Sudan (Lynch, 2008a). According to Mahmood Mamdani, most colonial states were familiar with two types of political identities, that is civic and ethnic. While the civic race comprised of the non-natives were categorized as ethnic and the critical form of identity being their customs and ancestral place of origin (Mamdani, 1996). The colonialists according to Mamdani aimed at creating a civic society that would control the 'uncivilised African Natives'. This binary classification was based on ethnic lineage, with those considered as civic taken to be non-ethnic. While on the other hand, the 'uncivilised' were categorized as ethnic.

In Contrast the Nubians were labelled as aliens as pointed by Sing'oei (Interview with the Author July 2021). The labelling as aliens has subjected Nubians and other non-indigene to discrimination compared to the natives. Recognition of citizenship is in terms of the stipulations of the liberal order. From the foregoing classification as 'aliens', they live as stateless persons without recognition and are discriminated by state authorities. From the foregoing, Nubians have always conceived themselves to be indigenous to Kibera, Nairobi. Nubians claim of their distinct nature of their ethnicity in pursuit for recognition as the 43rd ethnic group of Kenya. This reinforces their (indigenous) sameness. Recognition will be salient in access to various services offered by the state. These claims of indigeneity go as far as calls for equity and equality in treatment and not a special cadre of treatment (Taylor, 1994). Marginalization of the Kenyan Nubians pre-dates the independence days. Once the Nubians were settled in Kibera, they were on their own. The state treated them in an arbitrary manner.

Life in Kibera is extremely difficult for the Nubians. They live in a state of contested identity and attempts to get citizenship through registration goes through a very tedious vetting process. To access other state services such as hospitals, joining schools as well as employment they are also called upon to show their identification. Though there are other

communities in Kenya that go through the same tedious processes, that is the Somalis and Kenyan Arabs. It is interesting to note that they all are a Muslim minority. However, unlike the Nubians, are communities that live near Kenya's borders (KNCHR (Kenya National Commission on Human Rights, 2007: 14). Kenyan statute such as the Registration- the Registration of Persons Act gives any Kenyan a right to citizenship and a national Identity Card upon attainment of a mandatory 18 years. However, the Statute has a sort of claw back clause that gives the National Bureau Registration officials and the Provincial administration discretion to ask for additional requirements as a vetting process of authenticity and eligibility- Registration of Persons Act, 1973 (Cap 107) as amended by the Registration of Persons (Amendment) Act 1987, at para. 8.

Interviews among the youth in Kibera attested to difficulties in obtaining Identity Cards. They opined that the rigorous process is not meant to be foul proof but it is humiliating. 'kutafuta ID sio mchezo, unazungushwa mara ID ya baba mzazi, mzee wa mtaa, mara nyingine wanakataa barua za imam wa msikiti, indghakilisha sasa' Looking for registration of an Identity card is an onerous task, you are taken in a vicious cycle, the requirements are too many, sometimes they ask of your Dads ID, the village elders' letter, at times they reject the religious leaders' letters. Sometimes it takes so long and they end up not getting the ID. Juma Kassim of Josphat Karanja Road claimed that their religion may be at times a hindrance, especially with the outbreak of the Al Shabab and the subsequent war on terror. It has been used to wage a discriminative agenda 'Imekua ngumu sana kupata ID haswa sisi waisilamu na pia hizi mashambulizi za Al Shabab. Tuaonewa si. The application process is also characterised by transparency issues. The vetting committee is made up of village elders, who demand bribes in the name of chai ya wazee. Residents of Makina, Lain Saba, Josephat Karanja narrated how essential is the pesa ya wazee that they know the ID will either fail to be processed through unknown disqualification. The eldres at Soweto and Forte Estates in Kibra acknowledged the soliciting of the pesa ya wazee but denied it being a bribe. They called it a facilitation fee and that their allowances were too little and most of the times delayed.

Conclusion and Recommendations

In conclusion this paper argues out that the liberal framework f peacebuilding has been applied at the expense of historical realities of indigeneity. As such, the incorporation of the Nubi in the national agenda that would have allowed historical trajectories of association to build a common bond of symbiotic relations is curtailed. Therefore, these groups despite their traditional and spiritual orientation fail to go beyond the triadic strata of indigeneity and non-indigene since this is still dependent on certain colonial structured political and economic arrangements. It is a high time that the sate lived by the spirt and letter of the constitution and outlawed all statutes that are used to deny the Nubi their identity.

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