

Citizens or Refugees? The Case of the Shona in Kenya (1962-2017)

By

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**A research project submitted in partial fulfillment of the
requirements for the award of Master of Arts Degree in Armed
Conflict and Peace Studies, University of Nairobi**

2019

Declaration

This is my original work and it has not been submitted for the award of degree in any other university

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This project has been submitted for examination with my approval as the University Supervisor

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Dr. Margaret Gachihi

Dedication

This study is dedicated to my late parents, Margaret Adoyo Odogo and Caleb Wagalla Anyango; and to my brothers and sisters for their continued support.

Acknowledgement

I wish to wholeheartedly appreciate everyone who contributed during this study. First and foremost, I acknowledge my supervisors; Prof. Vincent Simiyu and Dr. Margaret Gachihi for their in-depth, thorough and outstanding supervision. Prof. Vincent Simiyu retired half-way through the writing process so, Dr. Margaret Gachihi supervised the rest of the study.

I am greatly indebted to my research assistants, Mofat Moyo and Evaline Mwangi for interpreting my concerns and questions to the elderly Shona people and introducing me to everyone I interviewed in their community. Data collection could not have been possible without your help.

A lot of gratitude goes to the Principl Secretary of State Department of Immigration in Kenya, Dr. Gordon Kihalangwa who instructed his under Secretary Linda Okola to write me a letter so that the leader of the Shona Church in Kenya could authorize me to talk to his congregation. Many thanks to Oliver Muregerera at the Gospel of God Church in Nairobi for giving me an overview of the Shona in Kenya and their history. Finally, I owe a lot of gratitude to Wanja Munaita, UNHCR-Assistant Protection Officer- Statelessness Unit for availing herself whenever I had questions despite her busy schedule.

In as much as others have contributed to this study, I alone am responsible for any shortcomings.

Abstract

This study investigates how the Shona identify in Kenya. It interrogates their identity within the tenets of Liberal Theory of citizenship, building on citizenship as a legal status. The study adopts Ager and Strang's indicators of refugee integration- employment, housing, healthcare and education- with citizenship as the foundation of refugee integration. The study argues that the system of laws in Kenya on citizenship and legal identity though pegged on the liberal tradition of citizenship does not fully address the plight of minority communities facing challenges in acquiring a legal identity. Such communities must first be formally recognized in order to acquire a legal status. The findings of the study demonstrate that the Shona in Kenya identify as citizens but lack an effective nationality in the country they call home. The Shona claim of being citizens in Kenya citing the constitutional provision on citizenship by birth proves problematic since they bear the burden of proof of being born in Kenya but without necessary documentation. The study found out that the Shona in Kenya do not hold a refugee status. Hence, they are neither citizens nor refugees nor do they have a legal status of any country. They are therefore stateless in Kenya. The study further argues that their lack of documentation has limited their integration in Kenya since they cannot access formal employment, health services, education and housing fully compared to the local communities. All in all, the lack of recognition has prolonged their quest for a legal identity in Kenya. The study adopted qualitative method of research and used extant literature, oral interviews and archival data. Purposive sampling method was used to identify respondents based on age-range, geographical location and religious affiliation to the teachings of the *Vapostori* of the Gospel of God Church as propounded by the founder Johane Masowe.

Acronyms

AU- African Union

ACHPR - African (Banjul) Charter on Human and Peoples Rights

BSAC- British South African Company

BCE- Before the Current Era

CAF- Central African Federation

CRC - Convention on the Rights of the Child

CRB- Credit Reference Bureau

DCI – Department of Criminal Investigation

DRA – Department of Refugee Affairs

DRC – Democratic Republic of the Congo

EACC- Ethics and Anti-Corruption Commission

GPA- Global Political Agreements

HELB- Higher Education Loans Board

ID- Identification Card

JKML – Jomo Kenyatta Memorial Library

KJV – King James Version

KRA- Kenya Revenue Authority

MDC Movement for Democratic Change

NHIF- National Hospital Insurance Fund

NDP- Nationalist Democratic Party

NGOs- Non-governmental Organizations

RCD – *Rassemblement Congolais pour la Democracy*

RSD – Refugee Status Determination

RPF – Rwandese Patriotic Front

SADC- Southern Africa Development Community

UDI- Unilateral Declaration of Independence

UDHR – Universal Declaration of Human Rights

UK – United Kingdom

UN – United Nations

UoN – University of Nairobi

UNHCR- United Nations High Commission for Refugees

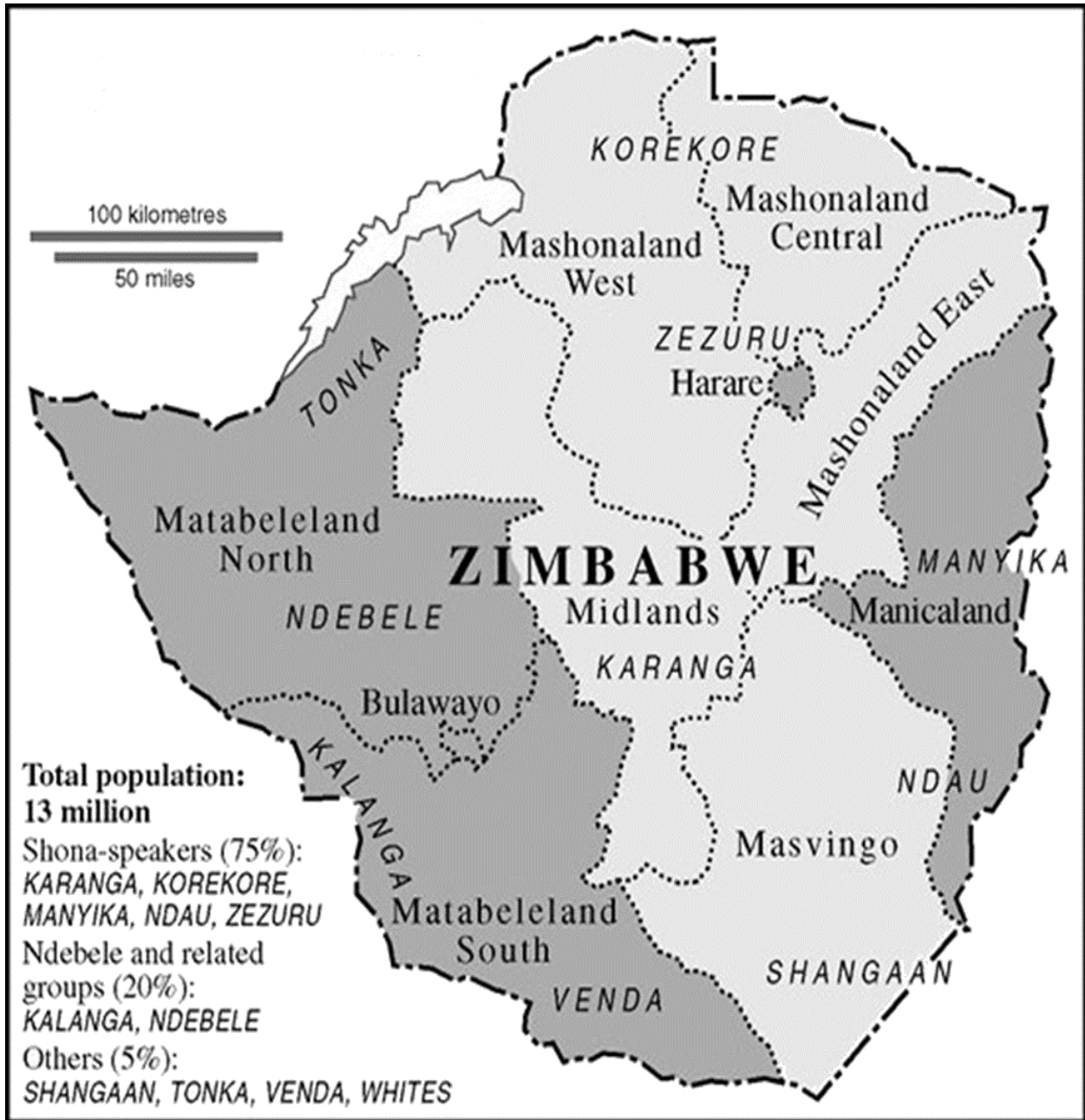
UOA – Unlawful Organizations Act

ZANLA- Zimbabwe African National Liberation Army

ZANU-PF– Zimbabwe African National Union Patriotic Front

ZAPU – Zimbabwe African People’s Union

Map of Zimbabwe showing distribution of the Shona Language Groups



Source: Tendai Guvamombe, News of the South, 2000, <http://newsouth.com>, 24 October, 2019.

Definition of Terms

Autochthon- original inhabitants or indigenous people of Kenya.

Refugee- a person male or female who is in Kenya and is determined by the UN Refugee Agency to be a refugee in accordance to the 1951 Convention Relating to the Status of Refugees and the OAU definition.

Citizenship- a legal and political identity given by the Kenyan state. It gives the bearer the freedom to enjoy civil, political and social rights provided for by the state.

Jus soli- birthright citizenship.

Jus sanguinis- citizenship determined by having both or one parent who are citizens of Kenya.

Jus connectionis- right of attachment to the Kenyan state.

Citizen- a person who has a legal status given by the government of Kenya (National Registration Bureau: Department of Immigration and Registration of Persons).

Nationality- ethnic group forming a part of one or more political nations or status of belonging to a particular nation.

- It is synonymous with citizenship in international law.

Statelessness- lack of a legal bond with any state.

Stateless person- is one who is not a national of any state therefore not bound by its laws.¹

De jure stateless- a person not considered a national by a state under the operation of its laws.²

De facto Stateless- a person who cannot establish his/her nationality and is without effective nationality.³

Apatride- stateless, homeless or displaced person.

Allogene- stranger or foreigner.

Allochtons- non-indigenous person relocated or displaced from other areas.

¹ Convention Relating to the Status of Stateless Persons 1954, Article 1

² Ibid.

³ Ibid.

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Chapter One

Introduction

1.0 Introduction

Identity and citizenship are contested terms and take different forms depending on a given society. Identity is a fluid concept and can be linked to biology, static identifications given by the state, stories and even places.⁴ Contrariwise, citizenship comprises of three main elements: a legal status,⁵ political status⁶ and membership in a political community that endows an individual with a source of identity.⁷ It is on this grounds that the study contends with the problem of how the Shona have identified in Kenya for almost six decades. The Shona, predominantly from Zimbabwe arrived in Kenya in 1960. They came as missionaries and settled among Kenyan communities. At the time of arrival, they were all British subjects as were Kenyan communities.

In Africa and elsewhere legal identity is a preserve of the state and its legal provisions. However, in some instances the actions of the state do not align with the letter and spirit of the enacted laws. Ndegwa identifies inherited colonial laws on recognition which assume that African states are homogenous and liberal democracies as the root cause of identity struggles.⁸ The post-colonial laws fail to put into account the ethnic diversity and politics of recognition within these states and the utopian purely democratic state. The actions or inactions of the state are guided by the struggle for survival and desire to act in the interests of the state.

Ballatone-Chrimes argues that indigeneity as a powerful political tool that minorities can use to assert their right to belong and escape marginalization using the case of the Nubians in Nairobi, Kenya.⁹ The notion of who is indigenous in Kenya and who is not is not elaborated in the Kenyan law however, it seen in the practice of including and excluding other ethnic communities in terms of recognition as Kenyan ethnic communities. In fact, indigeneity is a contested notion.

⁴ David Lyon, *Identifying Citizens: ID Cards as Surveillance* (Cambridge, Polity Press, 2009), p. 41.

⁵ Jean L. Cohen, "Changing Paradigms of Citizenship and the Exclusiveness of the Demos," *International Sociology* Vol. 14. No. 3 (1999), pp. 245-268.

⁶ Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics* Vol. 104. No. 2 (1994), pp. 352-381.

⁷ Joseph H. Carens, "Aliens and citizens: the case for open borders," *The Review of Politics* Vol. 49. No. 2 (1987), pp. 251-273.

⁸ Stephen N. Ndegwa, "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics," *The American Political Science Review*, Vol. 91. No. 3 (1997), pp. 599-616.

⁹ Balaton-Chrimes, Samantha. "Indigeneity and Kenya's Nubians: Seeking Equality in Difference or Sameness?" *The Journal of Modern African Studies* Vol. 51. No. 2 (2013), pp. 331-354.

This perpetuates the ‘ethnic-stranger’ practice in addressing identity issues of communities that identify as Kenyans and seek to be identified by law as Kenyans.

The Shona question in Kenya falls within the human rights discourse specifically the quest for identity and belonging as spelt out in international human rights law and the Kenyan law both municipal and internationally signed and ratified conventions. In addition, it deals with how Kenya dispenses the law in regard to those considered non-indigenous ethnic communities seeking to belong in Kenya. While Article 15 of the Universal Declaration of Human Rights accords every human being a right to a nationality, the struggle to acquire this nationality for minority non-indigenous persons find is a long battle. Fukuyama contends that the universal recognition which is the anchor of liberal democracies and on which they accord recognition based on the liberal tradition is gradually challenged by thinner forms of recognition based on ethnicity, religion, race, sect or gender. It is these competing identities that threaten the liberal democracies in the world today.¹⁰

1.1 Background to the Study

The Shona people are a Bantu ethnic group originally from Zimbabwe and neighbouring countries, Botswana, Mozambique and Zambia. The Shona in Kenya, particularly those living in Kiambaa, Kinoo and Githurai came as missionaries to fulfil prophecies of their church founder, Baba Johane Masowe. Mukonyora gives an account of the life and death of Baba Johane Masowe between 1914 and 1973.¹¹ Kileff and Kileff¹² notes that Masowe founded the Masowe *Vapostori* Movement- an indigenous African religion of the AmaShona. The *Vapostori*, apostles, ascribe to prophecies of their founder that Kenya is their ‘promised land’ and Nairobi is their ‘holy city’.

The Shona in Kenya relocated themselves from their country of origin and society, Seke in Zimbabwe and settled in Kenya as missionaries in 1962.¹³ Their story of relocation is based on religion. They have been in Kenya for almost six decades but with no civil identity and acquiring citizenship is one of the crucial aspects of their integration into the Kenyan society. In the Kenyan

¹⁰ Francis Fukuyama, “Identity, Immigration, and Liberal Democracy,” *Journal of Democracy* Vol. 17. No. 2 (2006), pp. 5–20.

¹¹ Isabel Mukonyora, “The Dramatization of Life and Death by Johane Masowe,” *Zambezia* Vol. 25. No. 2 (1998), pp. 191-207.

¹² C. Kileff and M. Kileff, “The Masowe Vapostori of Seke: Utopianism and Tradition in An African Church” in *The New Religions of Africa* ed. B. Jules-Rosette (New Jersey: Ablex Publishing Co., 1979), pp. 151-167.

¹³ Mukonyora, “The Dramatization of Life and Death by Johane Masowe,” pp. 191-207.

census of 2009, whereas the people from within East Africa are identified by their respective countries the Shona do not appear in the records.¹⁴

Johane Masowe was born Shoniwa Masedza Mtunyane on October 1, 1914 in Gandanzara village in the eastern part of Southern Rhodesia (present day Zimbabwe). It is said that miracles happened the day he was born- the earth trembled and wild animals came to people's homes from the forests. In 1932 when he attained the age of 18 years, lore has it that Shoniwa was struck by a bright light while riding his bicycle and fell ill. Later he was presumed dead. On the third day he arose as John the Baptist (John of the Wilderness- Baba Jobane Masowe in Shona language) on Mount Marimba dressed in white with a staff and a book in his hand. The white robe signified the holy temple of the Lord. The staff signified the final judgement and the book, the gospel of God to preach throughout the world. Shoniwa gave an account of how he went to heaven and was baptized by God.¹⁵

It is said that, Johane prophesied the Second World War (1939-1945) in 1932 and called it the return of the First World War (1914-1919) when locusts covered the city of Salisbury (present day Harare). Mukonyora notes that, he also foresaw Gabriel Mugabe liberating Zimbabweans from the British and becoming the first black leader of the country.¹⁶ His prophesies angered the colonial government. As a result they jailed him but the jail cells could not hold him. The prison guards found him outside the locked cells singing and praising God. The strange occurrences compelled the British to set him free. Johane continued preaching and people followed him and adhered to his prophesies through Zimbabwe, Mozambique, South Africa, Botswana, Zambia, Tanzania, Malawi and Kenya.¹⁷

The preaching of Masowe came at a time when Africans in Zimbabwe were facing colonial oppression and discrimination. The severe economic depression that spread widely throughout Mashonaland at the end of 1920s created massive unemployment driving the people to abject poverty.¹⁸ British colonial policies did not favour the Africans in Southern Rhodesia.

¹⁴ The 2009 Kenya Population and Housing Census: Population and Household Distribution by Socio-economic Characteristics, Kenya National Bureau of Statistics Volume II, (August 2010), p. 398.

¹⁵ Isabel Mukonyora, "The Dramatization of Life and Death by Johane Masowe," p. 193.

¹⁶ Ibid.

¹⁷ Ibid, p.199.

¹⁸ Clive Mary Dillon-Malone, *The Korsten basketmakers: A Study of the Masowe Apostles, an Indigenous African Religious Movement*. No. 10-11 (Manchester: Manchester University Press, 1978), pp. 7-8.

The reason why the Shona consider Kenya their Promised Land is that they equate the Egypt referred to in the Bible to Africa.¹⁹ According to the Shona who ascribe to Masowe religious beliefs and teachings, Nairobi is at the center of Africa, from Cape Town to Cairo. They believe that Nairobi is where the altar was built and it is where the ‘great saviour’ shall be sent to deliver the people of God. The distance from Nairobi to Cairo is 5063 km, and from Nairobi to Cape Town is 5903.²⁰

When the Shona arrived in Kenya in 1962, Commonwealth citizenship was the mode of recognition in the United Kingdom (UK) and colonies. The Lancaster House Report on Land and Citizenship stated that, “Commonwealth citizenship meant that every person who was a citizen of any British colonies and the Commonwealth would be given a priority to become a citizen of another colony over aliens (citizens of non-commonwealth countries). If a country which is a member of the Commonwealth had enacted its citizenship laws, persons who bore Commonwealth citizenship would be given preference over aliens. Commonwealth citizenship and British subject meant the same thing.”²¹ Commonwealth citizenship was the mode of recognition in the United Kingdom (UK) and Colonies when the Shona arrived in Kenya. Clearly, they were already citizens by virtue of being subjects of the UK and colonies as per the Federal Constitution of 1962 which became the independence Constitution. Further, they would be given priority over aliens in case they wanted a legal identity in Kenya.

The independence constitution of 1963 provided for citizenship by birth to those born in Kenya and the UK and colonies.²² Citizenship by naturalization was granted to citizens of UK and colonies and the Republic of Ireland based on the British Nationality Act of 1948.²³ Commonwealth citizenship was extended to British colonies in Africa, Southern Rhodesia included.²⁴ The Constitution also allowed Africans from other African countries that allowed Kenyans to become their citizens to apply for citizenship. Despite these provisions, the Shona

¹⁹ Kimas Amos, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 22nd July, 2018.

²⁰ Galton-Fenzi Memorial Stone/Nairobi Military Stone 1939 near Nairobi General Post Office, also known as Point Zero. The stone was built in memory of Lionel Douglas Galton-Fenzi. The pioneer of automobile routes in Kenya and across East Africa.

²¹ Kenya Constitutional Conference, Lancaster House, 1962. Committee on Land and Citizenship, March 7-15 MAC/KEN/46/7 pp. 2-4 and the British Nationality Act, 1948, Article 1(2).

²² The Constitution of Kenya 1963, Article 1 (1)

²³ The British Nationality Act, 1948.

²⁴ The Constitution of Kenya 1963, Article 9(3)

predominantly from Zimbabwe which was a British colony and a member of the Commonwealth, never became citizens.

The Constitution of Kenya Act of 1969 made the same citizenship provisions as that of 1963. Citizenship could be acquired by birth, naturalization, registration and Commonwealth. The Act included citizenship based on the principle of *jus connectionis* requiring those who wished to apply for citizenship to have an attachment with Kenya before 12th December 1963.²⁵

In contrast to the previous legal documents and their citizenship provisions, it is only the Constitution of 2010 that allowed for dual citizenship.²⁶ The new Constitution also provides for citizenship by birth to those born of Kenyan parents²⁷ and, by registration. Citizenship is acquired through marriage, lawful residence for at least seven years, and also adoption for children adopted by Kenyans.²⁸ Children under the age of eight years found wandering and the nationality of their parents is not known are entitled to citizenship based on presumption foundings.

The Kenya Citizenship and Immigration Act, 2011, is the only document that permits stateless persons and migrants together with their descendants living in Kenya to register and apply for citizenship. The Act limits citizenship by descent, dual citizenship for Kenyans who are citizens by birth and acquire citizenship of another country, citizenship by lawful residence attained at the age of majority and presumption foundings for children below the age of eight years.²⁹

The stateless persons and migrants and their descendants must be 18 years, born and living in Kenya since birth with no legal identity documents such as passports or identity card of any country and can prove that their parents are migrants or stateless persons. In addition, they must understand the rights and duties of a citizen, have a good command of Kiswahili language or a local dialect and must not have been convicted and jailed for more than three years.³⁰ Application for citizenship must be made within five years of the Act coming into force and three years after.

Quite evidently, the documents cited above lay out the criteria for acquiring citizenship for the Shona in Kenya. The problem is, almost six decades later, although they identify as citizens they bear the burden of proof of being citizens in Kenya.

²⁵ The Constitution of Kenya Act 1969, Article 88 (1-5)

²⁶ The Constitution of Kenya 2010, Article 16.

²⁷ *Ibid.* Article 14 (1).

²⁸ *Ibid.* Article 15.

²⁹ *Ibid.* Article 9.

³⁰ *Ibid.* Article 17.

1.2 Statement of the Research Problem

The Shona Community has been living “invisibly” in Kenya since before independence. Their attempt to acquire an identity and assurance that they belong in Kenya has been met by numerous challenges. This has thwarted their efforts to own property, open bank accounts, get married legally or even register their children at birth and their dead relatives. All these must be done using valid identification cards from the department of registration of persons in Kenya. The lack of valid identification restricts them from enjoying their freedom of movement across national borders, owning property and engaging in business transactions that must be made through banks.

The dilemma they find themselves is that the burden of proof of being Kenyans or Zimbabweans lies with them. Kenya’s municipal law regulates the determination of nationality of persons within the country’s borders. The Shona, having lived in Kenya for almost six decades with majority born in the country and meeting the constitutional requirements to acquire citizenship still grapple with uncertainties of being unidentified. For these reasons, the study contends with the problem of where the Shona in Kenya really belong and, how they identify themselves in Kenya.

The lack of valid identification restricts them from enjoying their freedom of movement across national borders, owning property and engaging in business transactions that must be made through banks. For these reasons, the study contends with the problem of where the Shona in Kenya really belong and, how do they identify themselves in Kenya?

The contradiction between the reality of having no state to identify with and the law provisions of citizenship in Kenya which should enable them become citizens makes one wonder why the problem has persisted for nearly 60 years, it is this conundrum that is the core of the research problem. Hence, there is a gap of knowledge to be filled through an in-depth study.

1.3 Objectives

1.3.1 Main Objective

To evaluate how the Shona identify in Kenya

1.3.2 Specific Objectives

1. To examine the historical connection of the Shona to Kenya
2. To assess the coping mechanisms of the Shona in Kenya
3. To evaluate the extent of Shona integration in Kenya

1.4 Justification of the Study

The literature on identity and citizenship and the politics that surround these two terms is extensive. Various scholars advocate for different forms of identities and citizenships. Proponents of the liberal form of citizenship advocate for individual identity given by the state equally to everyone under the operation of its laws. On the other hand, proponents of accumulative identities advance the narrative of group identities and recognition of such groups as a way of eliminating marginalization of minority groups in a given society. Further, other scholars limit identity to situations that individuals and groups find themselves in while others limit it to economic status, sex, religion and political affiliation among others. Taking into consideration the competing identities, this study using the Shona in Kenya as a case seeks to evaluate how they identify in Kenya as individuals and as a community and their experiences in the areas they live in as they interact with their neighbours.

This study has not identified any known study on the Shona in Kenya therefore, an analysis of their experiences in Kenya is essential. This study will provide a basis for understanding how the Shona identify in Kenya and the ways in which they interact with other ethnic communities in Kenya, their struggle to belong in Kenya based on their religious claims and how the Kenyan identification regime operates in regards to those communities considered non-indigenous in the country. Based on the findings of this study, policy makers, government and humanitarian agencies can then device ways to address the question of belonging and identity struggles in Kenya.

The findings of this study will contribute to the debate on the quest for identity and belonging in a universal setting where the state is the sole custodian of legal identity. The study will also contribute to the literature of non-violent identity struggles in Africa with the Shona as a case in point.

1.5 Scope and Limitations

The study focuses on the identity, nationality and belonging of the Shona people in Kenya who have been living in the country since 1960. The timeframe of the study is from 1962 to 2017. The *Majimbo* Constitution of 1962 accorded British nationality to all Kenyans and people from other British colonies. 2017 is the second year after the time given by the Citizenship and Registration Act 2011 for the government of Kenya to address statelessness of certain communities

in Kenya. It is also the year the President of Kenya, Uhuru Kenyatta set a precedent by recognizing other minority stateless communities such as the Makonde and the Indians in Kenya.

The Shona in Kenya live in various parts of the country but the study was limited to Kinoo, and Kiambaa areas of Kiambu County, formerly Kiambu District, and also Githurai in Nairobi County formerly Nairobi Province. The areas where they first immigrated to from Ngong in Kajiado County formerly Kajiado District.

The limitations of the study were: first, language barrier when it comes to interviewing the Shona people who came before independence. The elderly Shona did not adequately understand Kiswahili or English and the student does not have a good command of the Shona language. To deal with the language barrier problem, the student employed two research assistants with the command of the Shona language, English and Kiswahili languages who acted as interpreters for the study in order to collect information for the study.

Secondly, time and financial constraints due to traveling and long hours of interviewing. While the student also wished to travel to Zimbabwe and meet other Shona to establish whether they have a connection with the Shona in Kenya, the cost of travel and accommodation was not affordable for the researcher. The student interacted with the Shona and visited the Embassy of the Republic of Zimbabwe in Nairobi to gather data required for the study.

The Shona in Kenya identify themselves as Kenyans. When I set out to conduct interviews, I was mistaken for a spy or the police and sometimes an official of the Immigration Department of Kenya. At first, the Shona participants in the study were suspicious and could not divulge any information unless I showed a letter from the Immigration Department in Kenya. I approached the Permanent Secretary of Immigration in Kenya and I was able to get the letter they were asking for.

1.6 Literature Review

The literature for the study on the Shona in Kenya will touch on the Shona, identity, belonging, citizenship and refugee-hood. Studies conducted on the Shona and their way of life from their religious practices and their apprentice portray a people dedicated to their religious beliefs as the reason for their migration from Zimbabwe to other African countries. Dillon-Malone notes that by the time Johane Masowe died in 1973, over half a million Shona people had migrated and settled in over nine countries in southern, central and east Africa. In the nine countries they settled in they are known for their basket weaving skills and dedication to their religious beliefs. Hence the name, the Korsten basket makers. Korsten is where they first settled in South Africa

when they left Southern Rhodesia when their movement began in 1932.³¹ Munjeri pinpoints Makoni District in Manicaland as the place of origin of the first *Vapostory*/Masowe Apostles. From Makoni District, they moved to other ten African countries. She posits that the Korsten basket Makers are instituted in the Gospel of God Church with its headquarters in Nairobi, Kenya and identifies the movement as a social and religious outfit.³² Dillone-Mallone's and Munjeri's research tells more of the way of life of the Shona wherever they went but does not touch on quest for recognition in the countries they moved to which is the core of the study.

A number of studies on identity do not agree on a single form of identity. Identity takes different forms depending on the situation and the people being addressed. For instance, Erickson characterizes identity as the intersection between the group and individual identity. The intersection is the process that forms the core of the individual and his/her communal culture and also what establishes both the individual and group identities.³³ Shils on the other hand distinguishes identity between primordial ties which are basically ascriptive and based on the 'givens' of life such as kinship and ethnicity among others. Also civil ties which are based on industrial society-type aggressions like class, political party affiliation, interest group membership and so on.³⁴ While Erikson asserts that identity connects the individual to the group, Shils labels identity as an ascription. The Shona in Kenya seek a collective/group identity and recognition. In what category of the 'givens' of life do the Shona fall? Have they acquired other identities in Kenya?

Proponents of the Constructivist School of thought, contend that identities based on the so-called 'givens of life' are constructed and not natural. Bhabha and Yeros contend that the constructions can be done away with or replaced. In the event of doing away with or replacing one's identity, the quest to change one's kinship, tribe and ethnicity can be triggered by violence and marriage but most of the time, people choose to identify with their original ethnicity.³⁵ The

³¹ Clive Mary Dillon-Malone, *The Korsten basketmakers*, pp. 1-169.

³² Dawson Munjeri, "The Korsten Basketmakers." *Nada: The Southern Rhodesia Native Affairs Department Annual* Vol. 11. No. 5 (1974), pp. 497-509.

³³ Erikson H. Erik, *Identity, Youth and Crisis*, No. 7 (New York: W.W. Norton, 1968), pp. 1-336.

³⁴ Edward Shils, "Primordial, Personal, Sacred and Civil Ties: Some Particular Observations on the Relationships of Sociological Research and Theory," *British Journal of Sociology*, Vol. 8. No. 2 (June, 1957), pp. 130-145.

³⁵ Bhabha Homi, *The Location of Culture* (London: Routledge, 1994), pp. 199-245. & Yeros Paris, ed. *Ethnicity and Nationalism in Africa: Constructive Reflections and Contemporary Politics* (Houndmills: Macmillan, 1999), pp. 1-15.

Shona identify as a community with a traditional African religion mixed with modern Christianity which is an acquired identity and can be changed.

While Okanura notes that, identities tend to be situational, meaning they are grounded on the situation at hand giving the individual the choice of adopting or playing up depending on the conception of the situation. Ashmore, Jussim and Wilder assert that, identification is relational, situational and flexible and that each person carries a number of potential identities. These identities become socially significant thereby making a difference in everyday life for an individual or a group. In what situation do the Shona in Kenya find themselves and how do they identify in the situation? Are the multiple identities based on a religious claim as their connection to Kenya and a non-indigenous ethnic community enough to accord them a legal identity they say they have been denied?

Geschiere differentiates the quest for identity in Africa and Europe. He notes that religion plays a front-stage role in the quest for belonging in the present day context of globalization especially in Europe. In the African context, autochthony determines those who belong and those who belong less. He notes that, in Cote d’Ivoire, local violence broke out against *allogènes* when Laurent Gbagbo’s regime tried to reconstitute a purified nation, cleansed from all foreign elements. As a result, the identity struggles led to the first Ivorian Civil War between the people of Burkinabé origin who lived in the southeastern part of the country against by northerners who considered themselves the ‘Ivories’ of their country.³⁶ Geschiere identifies the attachment groups have to the soil on which they were born and this becomes the ground on which other groups are identified as strangers. Geschiere argues that, Mobutu’s manipulations and later denying the Banyamulenge Congolese citizenship has left the eastern part of the country in a volatile situation till today as they struggle to assert their ‘belongingness’ in the region through violent conflict.³⁷ In South Africa, xenophobic tendencies especially in Johannesburg against the *Makwere-kwere-* African immigrants from across the Limpopo, remains a trigger of violence in the country.³⁸ Geschiere’s perspectives depict the struggle for identity and belonging as violent. However, he does not acknowledge that some quests for identity do not create a cycle of violent conflict and do not spill-over into other countries or territories.

³⁶ Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe* (Chicago: University of Chicago Press, 2009), pp. 1-304.

³⁷ Ibid.

³⁸ Ibid.

Studies conducted on citizenship expose citizenship as a competing term and practice with varied results. For example, Balaton-Chrimes focuses on citizenship as a documented status. She notes that documentation of citizenship is a liberal conception of citizenship with an end goal of pursuing legal status and individual rights. Citing the Kenyan constitutions of 1963 and 2010, she points out that the Nubians are entitled to Kenyan nationality but applying for the card within 90 days when a person turns 18 years is challenging for non-indigenous ethnic groups.³⁹ The identity card plays the vital role in conferring formal membership and enables the bearer to access public goods and services in the country. The article is relevant for the study since it speaks directly to the question of identity of non-indigenous persons which is the concern of this study using the Shona as a case in point. Lyon argues that identity cards complicate the already liquid identities linked to places, biology, stories and static identifications given by the state. The cards do not guarantee equal rights in the political, economic and social sphere but serve as a way to monitor citizens for security reasons.⁴⁰ What are the security concerns in regards to the Shona in Kenya who struggle to acquire the identity cards?

Mamdani alludes that the basis of citizenship in Africa is ancestry and descent. The ancestry and descent are deeply rooted in race and ethnicity as seen in the Luwero Triangle in Uganda before the National Resistance Movement (NRM) came to power under President Museveni and the movement of the Banyarwanda back to Rwanda sparking the genocide and exporting the conflict to the Democratic Republic of Congo (DRC).⁴¹ Race and ethnicity often clash with the inherited colonial laws applied when granting citizenship since they make distinctions between natives and non-natives, the indigenous and the non-indigenous persons. Mamdani notes that during the colonial period non-natives enjoyed the rights that the natives struggled to get leading to nationalistic struggles. Once the colonists left, citizenship and belonging in Africa is defined by the state but rights are for the indigenous.⁴² According to Mamadani the case studies of North Kivu in eastern DRC depicts a struggle for identity and belonging between the two Kinyarwanda speaking populations- Banyarutshuru and the Banyamasisi. He notes that,

³⁹ Samantha Balaton-Chrimes, "Statelessness, Identity Cards and Citizenship as Status in the Case of the Nubians of Kenya," *Citizenship Studies*, Vol. 18. No. 1 (2014), pp. 15-28.

⁴⁰ Lyon, *Identifying Citizens*, pp. 1-208.

⁴¹ Mahmood Mamdani, "African States, Citizenship and War: A Case-study," *International Affairs* Vol. 78, No. 3 (2002), pp. 493-506.

⁴² Mahmood Mamdani, "Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism," *Comparative Studies in Society and History* Vol. 43. No. 4 (2001), pp. 651-664.

the Banyarutshuru claim to be indigenous because they arrived in the region before Belgium colonized it while the Banyamasisi came during the colonial period as labour migrants.⁴³ The author observes that even long after the colonial powers left, African states still define every citizen as a native or settler based on descent. According to Mamdani, citizenship entitles no one to resources but the struggle for the resources. Mamdani's writings identifies the struggle for identity and citizenship as the root of armed conflict in the Great Lakes Region and other parts of Africa. On the contrary, there are cases where non-indigenous groups have acquired citizenship without armed struggles for instance, the Makonde and the Indians in Kenya. Hence, this study seeks to evaluate how the Shona in Kenya identify themselves. Geschiere and Mamdani concur that the struggle for belonging as violent leaving a lacuna for the study which dwells on a non-violent struggle for belonging by the Shona in Kenya.

Manby exposes the disparity between laws of citizenship founded on ethnic and racial purity. He argues that recognition of a citizen in Africa is based on the logic of 'I was here first'.⁴⁴ Echoing the sentiments of Mamdani, Manby posits that achieving basic rights and participation for millions of Africans as citizens in their respective countries depends heavily on the laws and concepts born from colonial practices. The paper requirements to prove one's citizenship leaves many Africans stateless in the only countries they have known to be home.⁴⁵ Using the case studies of Zimbabwe, Uganda and Sierra Leone, Manby identifies citizenship discrimination in regard to the Whites, Asians and Lebanese populations motivated by a colonial past. In Uganda, Idi Amin accused Asians of sabotaging the economy. In return, he denationalized and expelled them in 1972. In Sierra Leone, perceived Lebanese economic domination led to citizenship rights being restricted to be by birth. The grandfather of your grandfather had to be a Negroe of African origin. In Ethiopia, all Ethiopians of Eritrean origin were stripped of their citizenship and pushed into UNHCR administered camps in 1991, some were rendered stateless. In the federal state of Nigeria if a person is not labelled an 'indigene' of one of the 36 states then they do not belong. Manby's perspectives of identity based on inherited colonial laws provides a way for the Shona in Kenya to prove their identity. What could be the reasons for living in Kenya for almost six decades with no legal identification?

⁴³ Ibid.

⁴⁴ Bronwen Manby, *Struggles for Citizenship in Africa* (London: Zed Books Ltd., 2013), pp. 1-198.

⁴⁵ Ibid.

Adejumobi points out that in Africa, ethnic entitlements, rights and privileges are institutionalized. The institutionalization of rights and ethnic entitlements creates a differentiated and unequal status of citizenship. In a world where there are no universal citizens, the tendency to control rights and entitlements de-individualizes the idea of citizenship and makes it more of a group phenomenon. Adejumobi argues that, the duty of states to grant citizenship which on paper comes with equal rights, privileges and obligations as spelt out in national constitutions do not eliminate the division in people's loyalty. The divide can result to contradictions and tensions when certain groups and individuals feel marginalized or excluded leading to violent conflicts and wars.⁴⁶ Are the ethnic entitlements, rights and privileges driving the Shona in Kenya to advocate for an identity they do not have for almost six decades?

All in all, the literature on the Shona, identity, belonging and citizenship reviewed are relevant for the study since they give accounts of how these concepts vary and at times identity equals citizenship depending on a given situation. Identity issues have driven some communities to war as Geschiere and Mamdani contend. In some cases, the quest for identity has resulted in violent conflicts. In the case of the Shona, their quest for identity has not resulted into a violent conflict.

1.6.1 Literature on Refugees

A number of studies on refugees dwell on the definition of refugees, how they are treated and their integration in their host countries. Shacknove relies on the 1951 UN Convention on Refugees and the Organization of African Unity (OAU) definition of refugees pointing out the situations that make one a refugee. Life-threatening conditions that lead to a well-founded fear of persecution that drive a person outside his/her country of origin and nationality.⁴⁷ The OAU definition derives from the colonial experience while the UN Convention from the World Wars reflecting different historical contexts. He adds that refugee status should only be granted to those that cannot avail themselves for the protection from their government and have no alternative but to seek international restitution to get what they need provided they are situated where international assistance is possible.⁴⁸ If these circumstances are to go by, the Shona in Kenya who migrated to the country for religious reasons at a time when Zimbabwe was still under colonial rule could be

⁴⁶ Said Adejumobi, "Citizenship, Rights and the Problem of Conflicts and Civil Wars in Africa," *Human Rights Quarterly*, Vol.23, No.1, (2001), pp. 148-170.

⁴⁷ Andrew E. Shacknove, "Who is a Refugee?" *Ethics* Vol. 95. No. 2 (1985), pp. 274-284.

⁴⁸ Ibid.

said to have been fleeing colonial oppression making them refugees. However, does living in Kenya for almost six decades make them citizens?

Verdirame pays attention to some of the human rights aspects regarding the treatment of refugees in Kenya. Verdirame bases his arguments on data collected between March 1997 and April 1998 in the north-eastern refugee camps in Kenya specifically Kakuma camp. The author observes that justice in camps is administered by the humanitarian organization using community leaders or sometimes the organizations do it directly.⁴⁹ He goes further to note that refugees in Nairobi suffer human rights violations in that they are harassed, detained without trial and sometimes arrested without any charges.⁵⁰ This is so because of the encampment policy enacted in Kenya post 1991 when the refugee status determination collapsed leaving the work to UNHCR to bear the burden of processing asylum seekers which could take years. The UN Refugee Agency does not classify the Shona as refugees but they are under the mandate of the Organization as stateless persons with no refugee rights. While their rights are to be ensured by Kenya as their host state, this becomes problematic because they are not citizens.

Freudenthaler observes that a discrepancy exists between the condition of refugees in Kenya and their rights provided for in the international treaties. Refugee rights such as their status determination, freedom of movement, right to work, protection and security remain a luxury for refugees in Kenya.⁵¹ These rights are stipulated in the UDHR 1948, UN Convention on Refugees 1951, OAU Refugee Convention of 1981, the International Convention on Civil and Political Rights- 1966 and the International Convention on Social, Economic and Cultural Rights (ICSECR) of the same year. The rights appear good on paper since Kenya has signed and ratified them. However, the implementation and application is inadequate.⁵² Are these international legal instruments adequate to address the case of the Shona in Kenya?

The Refugee Act adopted by Kenya in 2006 provides for the rights in the international agreements on refugees but undermined by the encampment policy restricting refugees to stay in Kakuma and Daadab Camps in north-eastern part of Kenya. Refugees are allowed to move around but only with a permit and for a short time. They are allowed to work but the work permits are

⁴⁹ Verdirame Guglielmo, "Human Rights and Refugees: The Case of Kenya," *Journal of Refugee Studies* Vol. 12. No. 1 (1999), pp. 54-77.

⁵⁰ Ibid.

⁵¹ Eva Maria Freudenthaler, "Refugee rights in Kenya," (PhD dissertation, University of Vienna, 2011), pp. 1-137.

⁵² Ibid.

rarely granted and for those who opt to live outside the camps must sometimes endure police brutalities and rejection from the host communities. Pavanello, Elhawary and Pantuliano argue that the refugee experience in Kenyan is no longer restricted to camps making response to their needs by state authorities, humanitarian and development actors more challenging. Compared to the refugees in camps, the ones in Nairobi do not receive the same level of attention or assistance because they cannot be identified easily.⁵³

Examining the role of local integration as a durable solution, Fielden gives an inventory of local integration in Africa, Europe, the Americas and Central Asia. She asserts that local integration has had different degrees of success in the case studies. She notes that local integration has great potential in cases where repatriation or resettlement are not possible especially in protracted refugee situations but remains an unrecognized and under-reported potential across the globe to resolve protracted refugee situations.⁵⁴ The author does not address the case of persons living ‘invisibly’ among other communities like the Shona whose repatriation or resettlement would prove challenging and cumbersome due to the fact that they are not recognized.

The literature reviewed on refugees focuses on those who cross international borders due to violent conflicts and cannot avail themselves for protection in their home countries. The literature fails to determine the case of the Shona people since they did not migrate into Kenya due to a violent conflict. So, are the Shona in Kenya refugees or citizens?

1.7 Theoretical Framework

The study adopts two separate but complementary theoretical frameworks: Integration theory⁵⁵ by Ager and Strang in their study of refugee integration in Europe and the Liberal theory of Citizenship propagated by John Rawls in *A Theory of Justice*.⁵⁶ The two theoretical frameworks share a common component of citizenship but differ on how it is accessed and what comes with it.

Castles and others agree that there is no theory or model of refugee and immigrant integration that is generally defined and accepted since the concept remains controversial and

⁵³ Sara Pavanello, Samir Elhawary, and Sara Pantuliano, *Hidden and exposed: Urban refugees in Nairobi, Kenya*. (London: Overseas Development Institute, 2010), pp. 1-40.

⁵⁴ Alexandra Fielden, “Local integration: An Under-reported Solution to Protracted Refugee Situations” *New Issues in Refugee Research*, No. 158. (2008), pp. 1-23.

⁵⁵ Ager Alastair, Alison Strang, “Understanding Integration: A Conceptual Framework,” *Journal of Refugee Studies*, Oxford University Press. Vol. 21. No. 2 (2008), pp. 166-191.

⁵⁶ John Rawls, “A Theory of Social Justice,” *Cambridge, MA: Belknap* (1971)

ardently debated.⁵⁷ Robinson portrays integration as a chaotic, contested, individualized and contextual concept used by many but assumed by most people.⁵⁸ Ager and Strang, the proponents of integration theory, identify four public faces of integration, namely: markers and means, social connections, facilitators and foundation of integration. The two authors also outline ten diverse but interwoven 'domains'. Each has a sequence of pointers alongside which progress towards integration is assessed. The 'domains' are vital to the integration of refugees.

Markers and means tenets of integration has domains such as employment, housing, education and health. These make up the key areas of refugee participation in the host community and in their lives. Social connections include social bridges, bonds and links. They make up the social relationships and networks that help refugees integrate. Facilitators are language and cultural knowledge, safety and stability. These help refugees engage with the host community.

The integration theory is critiqued for being a western concept, therefore, it may not fit well in an African context. The theory only identify citizenship as the foundation of integration and does not elaborate on how it is acquired in a given country/state. The theory assumes that integration and is universal and its application is uniform in every situation and country while the study feels that integration indicators vary in each and every context. Ager and Strang's framework serves as a 'middle range theory' providing the key components of integration with its markers and means plus other domains. The ten domains elaborate on the structure of integration in a given society however, it does not expansively explain the political, economic, social and institutional factors.

The integration theory is applicable in the Shona situation in Kenya since they have lived among Kenyan communities for almost sixty years and the study aims to find out how they live with the other communities in areas where they are located. The foundation of integration which is citizenship is not well elaborated. The two authors applied the framework strictly to refugees overlooking the fact that other migrants also need to integrate into their host communities. Despite its shortcomings, the integration theory is useful in understanding the integration of the Shona in Kenya in terms of the four indicators: education, access to health, employment and housing in Kenya.

⁵⁷ Castles, S., Korac, M., Vasta, E. and Vertorec, S., 'Integration: Mapping the Field.' Report of a project carried out by the Centre for Migration and Policy Research and Refugee Studies Centre, University of Oxford. (2001), p. 12.

⁵⁸ Robinson, V. 'Defining and Measuring Successful Refugee Integration', Proceedings of ECRE International Conference on Integration of Refugees in Europe, Antwerp, November 1998 (Brussels: ECRE, 1998), p. 118.

In contrast, the Liberal theory of citizenship gives neither markers nor means. Stewart depicts the Liberal theory of citizenship as a set of practices and principles which construct the relationship between an individual and the state.⁵⁹ This gives the individual a status and rights based on allegiance to the state, political participation or being part of a political community.

Riesenberg⁶⁰ and Heater⁶¹ point out that the foundation of citizenship was laid in the ancient Greek polis of Athens. In the Greek polis, citizenship was a privilege conferred only on sons born of two Athenian parents. Rawls, a proponent of Liberal citizenship advocates for freedom and equality of persons in a liberal democratic society.⁶² He adds that basic and major social institutions assign fundamental rights and duties to citizens.⁶³ The institutions also determine the benefits from social cooperation.

The Liberal theory of citizenship is deeply rooted in Liberalism which focuses on individualism as the main component. Building from John Locke's Second Treatise of Government, the theory puts emphasis on citizens' rights. The legitimacy of government comes from the people⁶⁴ and the state has the responsibility to safeguard the lives, liberty and possessions of the people that live within its borders. Waltzer⁶⁵ and Pocock⁶⁶ on the other hand note that the current citizenship became a legal concept when Gaius laid the foundation of the theory in his Institutes. The *Institutes of Gaius* touched on the law of persons based on freedom from slavery, things and actions.⁶⁷

Kymlicka emphasizes that the individual is the basic unit of the society with the right to choose their way of life willingly provided they do not interfere with other people's lives. The individuals possess the same rights to take part in the political, economic and cultural aspects of

⁵⁹ Angus Stewart, "Two Conceptions of Citizenship," *British Journal of Sociology* (March 1995), Vol. 46, pp. 63–78.

⁶⁰ Peter Riesenberg, *Citizenship in Western Tradition: Plato to Rousseau* (North Carolina: University of North Carolina Press, 1992), p. xxii.

⁶¹ Derek Heater, *A Brief History of Citizenship* (New York: New York University Press, 2004), p. 6.

⁶² Rawls, "A Theory of Social Justice," p. 7.

⁶³ *Ibid*, p. 5.

⁶⁴ John Locke, *Two Treatises of Government*. Student ed. (Cambridge: Cambridge University Press, 1988).

⁶⁵ Michael Waltzer, "Citizenship," in *Political Innovation and Conceptual Change*, ed. Terence Ball, James Farr, Russell L. Hanson, Volume 11 of Ideas in Context, (Cambridge: Cambridge University Press, 1989), p. 211.

⁶⁶ John G. A Pocock, "The Idea of Citizenship Since Classical Times," in *Theorizing Citizenship*, ed. Ronald S. Beiner (Albany: State University of New York Press, 1995), pp. 29-52.

⁶⁷ Will Deming, "Paul Gaius, and the 'Law of Persons': The Conceptualization of Roman Law in the Early Classical Period," *The Classical Quarterly* Vol. 51. No. 1 (2001), pp. 218-230.

society.⁶⁸ The idea of equality before the law is contentious when it comes to non-natives and the provision of social goods. The theory advocates for personal autonomy and the ‘good life’.

The relationship between individuals and the state is based on consent and contracts such as the constitution. The state guarantees access to certain protections and privileges while the citizen bears the responsibility of abiding by laws, paying taxes or serve in the military. In this way, the state protects and ensures non-interference by other individuals or the authorities in the lives of the citizens. In this case, the individual bears a legal identity which is citizenship or nationality. The citizenship is manifested in the form of a legal status primarily identity cards.

Liberal citizenship is critiqued by Communitarian Liberalism for its failure to consider the creation of political communities, their experiences and construction since it dwells on individualism. The idea of equality stressed by liberals before the law and issuance of identity cards is contentious because mere documentation and getting a legal status does not guarantee an individual’s equality when it comes to economic, political and social standing with fellow citizens.

Marshall and Bottomore, advocates of welfarism or social citizenship contest arguing that legal status alone cannot guarantee equality between citizens but economic and social factors which play a critical role in citizen-citizen relations and citizen-state relations.⁶⁹ The theory applies to purely democratic states which is a utopian concept. However, the study will utilize the ideas of individual recognition and the regime of identity cards as a form of recognition in liberal states.

Regardless of the criticisms leveled against the liberal theory of citizenship, it is the most relevant in addressing the citizenship question since it explains the relationship between the individual and the state. The theory brings out state measures such as identity card regimes as a form of recognition. Therefore, the theory speaks directly to the subject matter of the study which is the identity of the Shona in Kenya. However, there is a contention that the Shona in Kenya do not have a legal relationship with the Kenyan state.

The study adopts the two theories in order to address the question of the Shona in Kenya either being citizens or refugees. While citizenship is addressed by both theories, the liberal theory on citizenship, however, is the one that gives the process of acquiring it. The integration theory

⁶⁸ Will Kymlicka, *Liberalism, Community and Culture* (Clarendon Press, Oxford, 1989), p. 141.

⁶⁹ Marshall, T. H., and T. Bottomore, “Citizenship and Social Class and Other Essays,” in *States and Societies*, ed. D. Held (London; Concord, MA: Pluto Press, 1992), pp. 249-260.

only mentions citizenship as the foundation of integration upon which the four indicators of integration depends.

1.8 Hypotheses

The following are the hypotheses for this study:

1. The Shona have a religious connection to Kenya informed by their religious beliefs.
2. The Shona in Kenya practice small-scale businesses, take local names, abandon their kinship and use irregular means to acquire identification documentation and access public amenities.
3. The Shona in Kenya are integrated into Kenya socially and economically.

1.9 Methodology

The study used qualitative method of research gathering both primary and secondary sources of data. The secondary sources were gathered from Jomo Kenyatta Memorial Library (JKML) at the University of Nairobi (UoN), Institute of African Studies Library and the online library materials such as JSTOR, E-journals, and E-books, UNHCR Office in Westlands in Nairobi. The secondary sources of data include: books, newspaper articles, chapters in books, scholarly journal articles on the internet, annual reports and documented reports. The primary sources of data include: oral interviews, archival data from the Kenya National Archives (KNA).

Purposive sampling method that targeted respondents from the Shona community and their neighbours together with other knowledgeable individuals on the case of the Shona in Kenya was adopted to collect data orally. The student made contact with the leader of the Gospel of God Church at Hurlingham, Nairobi who was interviewed. Then two research assistants of Shona ethnic origin were employed to identify the Shona and the areas where they live in Kinoo, Kiambaa and Githurai and to assist the student collect data. From this point the sampling snow balled to subsequent respondents. The Shona people interviewed also invited their neighbours to participate in the study. The two officials who were to be interviewed at the Embassy of Zimbabwe could not be accessed because the new government in Zimbabwe had already recalled the ambassador and the deputy. Instead, one official was interviewed. One chief from Kinoo sub county office and a *Nyumba Kumi* Initiative officer were also interviewed. An Officer at the Stateless Unit in UNHCR was also interviewed. This makes the total number of people interviewed sixty three, forty seven being respondents from Shona ethnicity while sixteen are from non-Shona ethnicity. The sample size was based on the criteria of age range (15-25 years, 26-35 years, 36-45 years, 46-55 years and

56-65+ years), geographical location in the areas the Shona live, their experience living in Kenya and their religious affiliation to find out if they still believe in the prophecies of Johane Masowe. These groups of respondents were selected because of their knowledge and experiences that informed the study and the Shona and their neighbours as a target group for the study.

Question guides for respondents of Shona ethnic origin and other respondents of non-Shona ethnic origin were designed and used to collect data. Voice recorders were used during the interviews. Focused group discussions were held to compare the experiences of the Shona in Kenya. The data collected was analyzed by summarizing the information to facilitate easy interpretation.

Chapter Outline

Chapter One: Introduction

Chapter Two: The Shona and Kenya

Chapter Three: Citizenship Debate and Refugee-hood and the Shona in Kenya

Chapter Four: The Shona in a Situation of Statelessness in Kenya

Chapter Five: Integration of the Shona in Kenya

Chapter Six: Conclusion

Chapter Two

The Shona and Kenya

2.0 Introduction

This chapter examines the history of the Shona in their original homeland and their way of life. Social, economic, political and religious practices. The movement of the Shona northwards from *Zambezia/Southern Rhodesia* (present day Zimbabwe) into Kenya and the religious attachment on which their 'special' relationship with Kenya is anchored. The chapter also gives a brief history of Kenya and Zimbabwe.

The Shona in Kenya constituted in the Gospel of God Church claim to have a religious bond with Kenya. They claim that Kenya is at the centre of Africa (their biblical Egypt) from Cape Town to Cairo. They base this on the fact that the Equator cuts across the country into almost two equal halves. They believe that Kenya is their spiritual homeland hence their evangelical headquarters, their promised land, the land that is blessed and set aside for the black people.⁷⁰ Kimas Amos explains that their founding prophet instructed them to make Kenya their spiritual headquarters because it is where the Lord God will redeem His people.⁷¹

2.1 The Shona People

The *amaShona*⁷² are a Bantu ethnic group indigenous to Zimbabwe and neighbouring countries. They make up the majority of Zimbabwean population by 80%.⁷³ Doke identified six major language groups with subdialects.⁷⁴ The Tonga-Korekeore, Kalanga, Zezuru, Nadu, Manyika and Karanga.⁷⁵ The six major language groups that make up the Shona ethnic group are well distributed in their home country and neighbouring countries. A Shona sub-group, the Hungwe sub-group are said to have been the majority of the inhabitants of the territory of South

⁷⁰ Kimas Amos, Oral interview, Gospel of God Church, Hurlingham, Nairobi, 22nd July, 2018.

⁷¹ Ibid.

⁷² This name was given by King *Mzilikazi* of the Ndebele Kingdom in the 19th Century. It means 'people who disappear and hide in caves when attacked'. When the British arrived in Southern Rhodesia, they barred the Shona from living near caves.

⁷³ Steven L. Danver, *Native Peoples of the World: An Encyclopedia of Groups, Cultures and Contemporary Issues* (New York and London: Routledge, 2017), p. 77.

⁷⁴ Martyn Clement Doke, *A Comparative Study in Shona Phonetics* (Johannesburg: University of the Witwatersrand Press, 1931), pp. 3-28.

⁷⁵ Ibid.

Zambezia during the Bantu expansion from West Africa approximately 2000 B. C. E to 1000 C. E.⁷⁶ Historians believe that they migrated into South Zambezia from the Congo River Basin just like other Bantu speaking language groups found in East Africa.

The Shona language, *Chishona* was invented in the 19th Century. It is said that, at the time, there was no consciousness among the tribes and people that were called the Shona until later after the *Mfecane* (1815-1840).⁷⁷ They were initially called the Kalaka/Karanga or the Kalanga before the *Mfecane*. The Shona dialects are spoken throughout Zimbabwe and each dialect is distinct to a certain ethnic group. The dialects help identify a person and the town or the village they come from. For instance, the KoreKore speak Chikorekore and conform to the customs and norms practiced by the Korekore.

Clannism is the form of identification among most Shona people rather than the whole Shona ethnic group.⁷⁸ Shona communities are composed of a mixture of clans. Shona traditional settlements known as *musha* consist of separate and isolated pole and mud circular huts with conical thatched roofs. Every homestead was composed of one or more older men and their extended families. Most decisions are made within the family.

Traditionally in the precolonial period, the Shona practiced subsistence agriculture. They grew crops such as beans, yams, sorghum (replaced by maize later on), bananas, pumpkins, various vegetables and African groundnuts. Cash crops grown included cotton and tobacco. They used the sorghum and maize to prepare their traditional beer called *hwahwa* and *sadza* (thickened porridge), which was their main dish. Apart from practicing subsistence farming the Shona kept cattle, donkeys, sheep, pigs, various types of poultry and goats except in the lowlands infested with tsetse flies. Cattle was the main indicator of wealth and the backbone of the economy in Mashonaland. They mined gold and even developed a gold-trade network that reached China.⁷⁹

In medical practice, the Shona used herbs and charms to cure ailments and protect themselves from diseases and witchcraft. Persistent illnesses warranted spiritual intervention. Traditional healers were consulted. The healers prescribed both herbal and ritual remedies. At

⁷⁶ Danver, *Native Peoples of the World*, p. 77.

⁷⁷ *Mfecane*- a time in history marked by chaos, war and massive dispersal of indigenous ethnic people in Southern Africa (1815-1840)

⁷⁸ Danver, *Native Peoples of the World*, p. 77.

⁷⁹ *Ibid*.

times, the persistent illnesses were a means through which the spirits chose their hosts therefore, the healers conducted possession trances. Modern medicine brought by the missionaries was widely accepted for most ailments.⁸⁰

In industrial arts and crafts, the Shona were known for high quality stone sculptures, traditional pottery and basket weaving. Their variable rhythms and constant melodies accompanied by *mbira*, the widely and most important musical instrument that dominated their music. The *Mbira* consists of thirty finely pitched metal reeds fixed on a wooden base and played by plucking with fingers and thumb inside a gourd resonator. In addition to *mbira*, the Shona also used other musical accompaniments such as drums, horns, friction bows, panpipes, gongs and xylophones. Singing and dancing also made up a part of their musical culture.

Division of labour in the Shona society was largely based on sex. Women had the responsibility of doing the basketwork, making pottery, undertaking less strenuous jobs in the farms, and doing all the domestic work. Men on the other hand performed the more strenuous jobs in the farms, hunting, iron-work and cattle rearing. Politics was a preserve of the menfolk in Shona society relegating the women to the private sphere.

In the Shona land tenure system, land was communal and could not be sold or bought. It was to be surrendered to the community when no longer in use. Every adult man was bequeathed land by the father or a village headman. Grazing land was communal. The farms used for subsistence agriculture were also communal.

Gelfand notes that, traditionally, ancestor-cult worship or totemism was common among the Shona.⁸¹ Totems (*mutupo*) are comprised of body parts or animals used by the Shona during their worship. Historically, the totems were used to identify the numerous clans in Shona community since ancient civilization. Those who belong to the same clan mutually shared a set of totems.

Animal totems included: the eland (*musiyamwa/yemukono/mhofu*), fish eagle (*shiri/hungwe*), zebra (*mbizi/tembo*), lion (*shumba*), elephant (*nzou*), monkey (*soko*), crocodile (*ngwena*), hippopotamus (*dziva*) and the mouse (*mbeva/hwesa/katerere*). The animal totems were

⁸⁰ G. L., Chavhunduka, "Traditional Medicine and Christian Beliefs," in *Christianity South of the Zambezi*, ed. Michael F.C. Bourdillon, Vol. 2 (Gweru: Mambo Press, 1977), pp. 131 -146.

⁸¹ Michael Gelfand, *The Spiritual Beliefs of the Shona* (Gweru: Mambo Press, 1982), p. 52.

further broken down into masculine and feminine form; for instance, a female zebra was called *midhure* and male called *mazvimbakupa/dhuve*. Body parts used in worship were, the lungs (*bepe*), leg (*gumbo*) and the heart (*moyo*). People with the same ancestor had the same totem and were not allowed to intermarry or have an intimate relationship.

In addition, a person sharing the same totem could initiate burial plans for another from the same totem. If one from a different totem made such plans, he could be fined cattle or goats to be paid to the family of the deceased. The totems enhanced ethnic cohesion among the Shona groups since they cut across regional groupings. Knowledge of one's totem group was also used in the swearing in of chiefs. The chiefs had to recite their totem group history to qualify for the position.

Chimuka posits that, the Shona also believed in spirits. They had two dominant spirits. The wandering spirits, they called the *Mashave* spirits⁸² and the other they called the *Vadzimu* or ancestor spirits.⁸³ The *Mahave* spirits had a connection with people living outside Shona territories and neighbouring communities. These spirits were considered benevolent or malevolent. The Shona associated bad spirits with witchcraft while the good ones inspired talents such as artistic ability in music and healing. The *Vadzimu* spirits stood for ideals and morality in the Shona way of life. These spirits were believed to be from the recent ancestors or culture heroes who have been forgotten. The role of the *Vadzimu* spirits was pegged on society protection. The protection was to be withheld or withdrawn in the event that the Shona did not respect their values and morals.⁸⁴

Ancestral communication in the Shona society was made through mediums possessed by the spirits. Ancestors from chiefly heredities bore political functions. They influenced the choosing of new chiefs and controlled their offices. The ancestors also acted as spirit guardians and they were believed to protect those who lived in their territories. Apart from protection and control of territories, the ancestors were also in-charge of fertility, healing and rain-making.⁸⁵

Bourdillon gives an account of the effect of European missionaries in Mashonaland. He states that, the arrival of the missionaries in 1859 from the London Missionary Society led by

⁸² Tarisayi A. Chimuka "Ethics Among the Shona," *Zambezia* Vol 28. No. 1 (2001), pp. 23-38.

⁸³ Ambrose Moyo, "Religion and Political Thought in Independent Zimbabwe," in *Church and State in Zimbabwe*. C. Hallencreutz and A. Moyo (Gweru: Mambo Press, 1988), p. 199.

⁸⁴ Michael F. C. Bourdillon, *The Shona Peoples: An Ethnography of the Contemporary Shona, with Special Reference to Their Religion*, Volume 1 (Gweru: Mambo Press, 1987), pp. 92-93.

⁸⁵ *Ibid.*

Reverend Moffat Robert introduced Christianity in Southern Rhodesia. The Shona embraced the Christian beliefs after listening to the gospel that persuaded them that Jesus Christ was the universal intercessor. The bone of contention however, was the conduct of the missionaries. They could not eat or drink water from the Shona. John Rhodes, a missionary took away the fertile land preserved for *Mwari/uMlimu* (the Shona god) in Mashonaland and chased away the caretakers. This angered the Shona and in return, they went back to their ancestral intercessors.⁸⁶ The missionary entry into Mashonaland was later used by colonists to gain access and dominate the Shona. Christianity was used as a tool to get the Africans to accept the White man. The bible preceded the gun.

The Shona are said to have believed in life after death and that heaven exist for those who do good while living on earth. Upon death, one would reap the benefits of their good deeds on earth by living well in heaven. When a person died, they petitioned *Mwari* to notify them if a person went to heaven after they died. The petition was conducted in a valley on a quiet day with no wind blowing. Wood was burnt and an offering given to their god. If the smoke went up to heaven then the man was with *Mwari* and he became an intercessor. If the smoke did not go up, then the man was not with God. Among the Southern Shona, *Mwari*, the high god cult, was widely practiced.⁸⁷ This influenced the formation of a number of indigenous independent churches which incorporated biblical Christian teachings.

Kinship and descent in Shona society was based on patrilineal groups which formed the prime unit of economic cooperation and residence. The patrilineal and matrilineal kinship was centered on generation, seniority by age and sex. Extended families lived in a homestead or bordering homesteads. In chiefly families however, individuals easily attached themselves to matrilineal relatives and could be three or four lineages.⁸⁸

The matrimonial practices of the Shona was traditionally polygynous/polygamous. In a polygamous union, the domestic unit consisted of a wife and her children. They were apportioned their own field to farm and provide for themselves. With change in time and rise in the cost of living, monogamy became common. The desired form of marriage became *vivilocal*-one had to

⁸⁶ Bourdillon, *The Shona Peoples*, pp. 1-30.

⁸⁷ Ibid.

⁸⁸ Ibid.

marry a person from their social group. Bride price (*roora*) was traditionally paid in form of cattle but now can be paid in cash money and in kind. In some occasions, a young girl was pledged to a wealthy man in order to alleviate her family's suffering in times of extreme hardship.⁸⁹ In the event that divorce occurred though highly discouraged, the woman's family was to return a proportion of the bride-price which was calculated against the period of the marriage and number of children born. A nuclear domestic unit is the most common today. Marked with patriarchy, the Shona society strictly monitored the carnal desires of women. The girls were examined for virginity at marriage. Girls or daughters inherited their mother's possessions while the adult son or the brother of a deceased man took control of his brother's possessions and his wife.⁹⁰

The most celebrated ceremonies involved the offering of millet beer to the guardian spirits. The ceremony was conducted by pouring small libations on the designated ground and the gathering of people consumed the remainder while dancing and singing. Sacrifices were occasionally made to the territorial spirits and the ancestors in order to minimize their wrath on the living. *Mwari* received offerings regularly. Some people offered clothes and money to the spirit mediums in order to appease the spirits.⁹¹

Socially, the Shona organized themselves around kinship. The non-kin formalized their bonds of friendship by imposing mutual obligations of assistance, rituals and material assistance. Thatching of houses, ploughing or clearing a field and harvesting were performed by work parties. After work, the men would be rewarded with millet beer. This was done reciprocally in a given clan.⁹²

The Shona political unit rested on a chiefdom system. The position of the chief was hereditary. Chieftainship was based on lineage whereby succession of the post would rotate between houses of the descendants of the one who founded the dynasty. The chief was charged with the responsibilities of land distribution, appeasing territorial spirit guardians and settling disputes. The chief lived in a centralized location and had an advisory court on important decisions.

⁸⁹ Dominique Meekers, "The Noble Custom of Roora: The Marriage Practices of the Shona of Zimbabwe," *Ethnology* Vol. 32. No. 1 (1993), pp. 35-54.

⁹⁰ *Ibid.*

⁹¹ Benjamin C. Ray, *African Religions: Symbol, Ritual and Community* (Englewood Cliffs: Prentice-Hall, 1976), pp. 481-483.

⁹² W. H. Stead, "The Clan Organization and Kinship System of Some Shona Tribes," *African Studies*, Vol. 5. No.1 (1946), pp. 1-20.

Every constituency made huge contributions to the chief in form of tributes. Larger chiefdoms were from time to time segmented into wards headed by a headman.⁹³

Dispute resolution was left to the village headmen, chiefs, guardian spirits and the courts. The village headmen settled minor disputes and reported to the chief on the day to day operation of the wards and villages. In the colonial era, the village headmen's main function was to keep the tax register. The guardian spirits through their mediums controlled serious crimes such as homicide and incest. The other crimes were handled by the hierarchy of courts from the village elders to the chief.⁹⁴ Violent conflicts and wars were rare among the scattered Shona chiefdoms though they suffered a lot of raids from the Ndebele armies in the 19th Century.

During the colonial period, the British subdued the Africans through repressive acts. Africans were not allowed to vote unless one could speak English and must have had a minimum net worth of £150 or earned a minimum of £100 a year.⁹⁵ This regulation kept Africans away from participating in politics since they could not afford or earn the minimum wage amidst the numerous taxes they had to pay. The severe economic depression that spread widely throughout Mashonaland at the end of 1920s created massive unemployment driving the people to abject poverty.⁹⁶ Agricultural land became scarce and acquired commercial value. Hence, land rights which were initially communal in Shona society and inherited were extinguished. Abiodun asserts that, in Africa, land is undeniably the lifeline of any community. It is where they bury their dead and perform traditional rights. Its worth extends from the economics into the social, political and spiritual significance.⁹⁷

Self-proclaimed prophets, Johane Marange (1912-1963) and his contemporary Johane Masowe (1914-1973) who promised to give solutions and alleviate the suffering of Africans and drive out the colonists from Southern Rhodesia arose. Another remedy was needed to improve the

⁹³ Francis Machingura, *The Messianic Feeding of the Masses: An Analysis of John 6 in the Context of Messianic Leadership in Post-colonial Zimbabwe*. Vol. 8 (University of Bamberg Press, 2012), pp.165-166.

⁹⁴ Bourdillon, *The Shona Peoples*, p. 111.

⁹⁵ Colin Leys, *European Politics in Southern Rhodesia* (Oxford: Clarendon Press, 1959), p. 191.

⁹⁶ Terence .O. Ranger, "Taking on the Missionary's Task': African Spirituality and the Mission Churches of Manicaland in the 1930s," *Journal of Religion in Africa* Vol. 29. No. 2 (1999), p. 198.

⁹⁷ Abiodun Alao, *Natural Resources and Conflict in Africa: the Tragedy of Endowment*. Vol. 29 (New York, Rochester: University Rochester Press, 2007), p. 63.

African situation.⁹⁸ Perhaps the prophets would have an answer to the disturbances, endemic droughts, and outbreak of diseases of humans and animals, social dislocation and disorders that plagued Southern Rhodesia.

The people were frustrated and found solace in the teachings of the self-proclaimed prophets who believed they had a solution to the problems that the White Man brought on Africans. Johane Masowe preaching assured the Africans in Southern Rhodesia that God was going to intervene and eventually provide for their needs then send Elijah and Moses to drive the white man out of Southern Rhodesia.⁹⁹ His message awakened the people's faith and they started following him wherever he went.

Prophet Baba Johane Masowe, considered by the *Vapostori* (Shona apostles) prophesied in 1956 naming Kenya as their Promised Land and their evangelical headquarter. This prophecy inspired the followers of Baba Johane in the Gospel of God Church (an indigenous African church against colonialism and foreign values in faith) to come to Nairobi. They came in search of the symbol of the Lord erected by wise men as told in Baba Johane's prophecies. The *Vapostori* were instructed by their prophet to make Nairobi their permanent base even as they preached the gospel to the entire world. They had to make sure they return to Nairobi which holds a great secret which the whole world will behold with time according to their beliefs.¹⁰⁰

After independence majority of Zimbabweans started expanding into areas that they were restricted from. The Shona language groups dispersed to several parts of Zimbabwe and neighbouring countries. The Zezeru inhabit the central plateau of Zimbabwe. The Karanga are found in the south. The Korekore to the north and dropping into the Zambezi valley. In the east live the Manyika. The Tavara are found in northeast Zimbabwe and Mozambique in the Zambezi Valley. The Nadu in the southeast of Zimbabwe and coast of Mozambique. The Kalanga in southwest Zimbabwe and flowing into Botswana. A small group lives in South Africa.

⁹⁸ Terence .O. Ranger, "Plagues of Beasts and Man," in *Epidemics and Ideas: Essays on the Historical Perception of Pestilence*. T. O. Ranger and Paul Slack (Cambridge: Cambridge University Press, 1995), p. 250.

⁹⁹ Clive M. Dillon-Malone, *The Korsten Basketmakers*, p. 18.

¹⁰⁰ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, 18th July, 2018.

2.2 A Brief History of Kenya

Geographically, Kenya falls in the northern and southern hemisphere with Nairobi as the capital city. The Equator cuts across Kenya from west to east in almost two equal halves. The lowest point is at the sea level, 0 metre along the Coast and the highest is at Mount Kenya, 5199 metres above sea level. It is 1 00° North and 38 00° East. It is located in central eastern Africa bordered by Uganda to the west, Tanzania to the south, Somalia to the east, Ethiopia to the north, South Sudan to the north-west and the Indian Ocean to the south east. The climate varies from temperate tropical climate to arid and semi-arid in the north.¹⁰¹

Kenya's history dates way back to 2000 B.C.E.¹⁰² History has it that it was around this time that the Bantu who migrated from West Africa, the Nilotes from southern part of the Sudan, and the Cushites from Southern Ethiopia settled into the territory. It is in Kenya that archaeologists located the humanoids who lived more than 20 million years ago. Hence, Kenya is referred to as the cradle of humanity.¹⁰³

Trade brought the Persians, Indians, Arabs and the Chinese to the Kenyan coast by 8th Century. They came to trade in spices, skins, gold and ivory. In 1498 the Portuguese arrived at the coast. Pouwels notes that, the arrival of the Portuguese disrupted commerce at the Kenyan coast especially in the sixteenth and the seventeenth century when the Portuguese imposed custom duties and monopolized the trade.¹⁰⁴ Vasco da Gama built Fort Jesus in 1593. The Portuguese were later expelled from Fort Jesus in 1698 by the English, Dutch and the Omani who wanted to control the trade route and the activities at the coast. As a result, the Portuguese ceased to be a formidable force at the East African coast and opted to relocate.¹⁰⁵ The Portuguese left in 1730 to Mozambique.¹⁰⁶ The trade further opened the interior of the territory that was later named Kenya

¹⁰¹ Geography of Kenya, available at <https://www.kenyacountyguide.co.ke/geography-of-kenya/> accessed 24th November, 2019.

¹⁰² Danver, *Native Peoples of the World*, p. 77.

¹⁰³ Christopher J. Lepre, H el ene Roche, Dennis V. Kent, Sonia Harmand, Rhonda L. Quinn, Jean-Philippe Brugal, Pierre-Jean Texier, Arnaud Lenoble, and Craig S. Feibel, "An Earlier Origin for the Acheulian," *Nature* Vol. 477. No. 7362 (2011), pp. 82-85.

¹⁰⁴ Randall L. Pouwels, "Eastern Africa and the Indian Ocean to 1800: Reviewing Relations in Historical Perspective," *The International Journal of African Historical Studies*, Vol. 35. No. 2/3 (2002), pp. 385-425.

¹⁰⁵ *Ibid*, pp. 399-400.

¹⁰⁶ Roland Oliver and J.D. Fage, *A Short History of Africa* (Baltimore, Maryland: Penguin Books, 1962), p. 96.

because the English and other European powers wanted total control of the natural resources and the trade activities. This led to the scramble and partition of Africa by European powers.

Ramage notes that six European powers, England, Portugal, Germany, France, Italy and Spain unanimously agreed at the Berlin Conference of 1884-1885 to partition the continent that before the trade activities at the southern coast was known by the outside world as a continent unlovely savages and wild animals.¹⁰⁷ With the agreement to divide Africa among themselves, the European powers apportioned themselves different parts of the continent. Hundreds of millions of inhabitants, territories extending to millions of square miles were added to the possessions of European countries.¹⁰⁸ In 1895 the East African Protectorate was formed by the British. The British invited the White Settlers into Kenya even before it was officially declared a British Crown colony in 1920.¹⁰⁹ Lonsdale and Berman argue that the early Kenyan state was grappling with the contradictions of accumulation and control. Conflict at the local level between the peasants and the settlers was fueled by racial antagonism.¹¹⁰

The colonial government enacted policies that favoured the White Settlers and the state. Land was appropriated for the White settlers and their farms, livestock were confiscated, households were taxed and the natives provided forced labour.¹¹¹ This was used as a strategy to provide European investors with secure control of the land and cheap labour from the Africans who had been pushed to reserves and forced to pay taxes by the colonial government. The preservation of the White Highlands for Europeans fomented resentment between the natives and Europeans in the 1920s.¹¹² Colonial administrations coercively recruited labour both for the private European enterprises and the State. The refusal by the colonial government to recognize African land rights and the use of force angered the Africans. In essence, Coquéry-Vidrovitch notes that the colonial life was organized along inclusion or exclusion of specific groups in every substantial

¹⁰⁷ B. J. Ramage "The Partition of Africa," *The Sewanee Review* Vol.7. No. 2 (1899), pp. 221-38.

¹⁰⁸ Ibid, pp. 224-225.

¹⁰⁹ Robin Hallett, *Africa Since 1875: A Modern History* (Ann Arbor: University of Michigan Press, 1974), p. 131–134.

¹¹⁰ John Lonsdale and Bruce Berman, "Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914," *The Journal of African History*, Vol. 20. No. 4, (1979), pp. 487-505.

¹¹¹ Ibid, p. 491.

¹¹² W. T. R. Morgan, "The White Highlands of Kenya," *The Geographical Journal*, Vol. 129. No. 2 (1963), pp. 140-155.

element of everyday life; from the laws enacted, public places, schools, culture and livelihood.¹¹³ The most disadvantaged were the Africans. They had to give up their land and were forced into reserves and serve in the farms of the white settlers.

Parsons notes that Britain's African territories afforded the Crown a reservoir of manpower that Britain exploited heavily to support the imperial war effort during the First World War.¹¹⁴ During World War I (1914-1918), Britain and Germany agreed to keep the young colonies of Uganda, Kenya and Tanganyika from direct hostilities. Lieutenant Colonel Paul von Lettow-Vorbeck of Germany breached the deal. He attacked British supplies which were being transported into the interior using guerilla warfare. The British responded by employing African porters and Indian Army troops to transport the supplies into the interior on foot. The Africans later became the Carrier Corps of the British.¹¹⁵ The onset of World War II made Kenya a British military base. The British employed over 90 000 *askaris* to counter Italy in Italian Somaliland and Ethiopia. The *askaris* later became the King's African Rifles (KAR), used by the British to oppress Africans and maximize social and economic gains for the colonial government. Their participation in the war awakened African nationalism which was instrumental in the liberation struggles for independence that came later on.¹¹⁶ Wasserman notes that in the post-WWII period, within Kenya, there was rise in nationalist agitation against the colonial authority. In response to the local political pressure, the colonial government promised African economic development and increased political participation in the political structure of the colony.¹¹⁷ Even then, Africans were excluded from political participation until 1944 when Eliud Mathu was admitted in the Legislative Council (LEGCO) as an unofficial member to appease the Africans.¹¹⁸

¹¹³ Cathérine Coquéry-Vidrovitch, "Racial and Social Zoning in African Cities from colonial to Post-Independence," in *Beyond Empire and Nation: The Decolonization of African and Asian Societies, 1930s-1970s*, eds. Els Bogaerts, Remco Raben (Leiden: KITLV Press, 2012), p. 267.

¹¹⁴ Timothy H. Parsons, "Mobilizing Britain's African Empire to War: Pragmatism vs Trusteeship," *Journal of Modern European History*, Vol. 13. No. 2, (2015), pp. 183-202.

¹¹⁵ R. Mugo Gatheru, *Kenya: From colonization to independence, 1888-1970* (Ann Arbor: University of Michigan: McFarland and Company, 2005)

¹¹⁶ Hal Brands, "Wartime Recruiting Practices, Martial Identity and Post-world War II Demobilization in Colonial Kenya," *Journal of African History* Vol. 46. No. 1 (2005), pp.103-125.

¹¹⁷ Gary Wasserman, "European Settlers and Kenya Colony Thoughts on A Conflicted Affair," *African Studies Review*, Vol. 17. No. 2 (Sep. 1974), pp. 425-434.

¹¹⁸ Margaret W. Gachihi, *The Role of Kikuyu Women in the Mau Mau* (MA Dissertation, University of Nairobi, 1986), p. 55.

Moyana points out that in the period between 1945 and 1965, Africans despaired of having their land grievances redressed.¹¹⁹ As a counter-measure, they formed political parties with the intention to remove the colonial government. He notes that political independence became the overall goal of the new politics.¹²⁰ Land was the fuel that kept the political fire burning for both literate and illiterate Africans because it was the issue that every African had a grievance over. Other factors notwithstanding, land was the key to the emergence of mass nationalism in Kenya just as it was in Rhodesia.¹²¹

The oppressive and unpopular colonial rules enforced by the British drove the Africans in Kenya to rebel and the Mau Mau Rebellion broke out. The Mau Mau-Kenya Land and Freedom Army as they preferred to be called was an outcome of the outlawed Kikuyu Central Association, a party that had dominated the Kenyan political struggles since the 1940s.¹²² Paul, Clarke, Grill and Dunigan posit that, the Mau Mau was an anticolonial struggle waged to expel the British colonial government from Kenyan territory due to grievances over land rights, underrepresentation in the political affairs of the colony and pay for African workers.¹²³ The Land and Freedom Army was branded as an ‘evil and subversive association’ in June 1950 and was outlawed by the colonial government in August the same year.¹²⁴ Although the Mau Mau had deep rooted grievances, the Rebellion was sparked off by the killing of Chief Waruhiu, an ardent sympathizer of the colonial government, in the outskirts of Nairobi in 1952.¹²⁵ The British government responded by declaring a state of emergency. The government assembled a force consisting of British Troops from the Home Guard, Kenya Police Reserve, Kenya Regiment and the King’s African Rifles and launched operation Jock Scott in October 1952 in which 180 alleged Mau Mau leaders were arrested including Jomo Kenyatta.¹²⁶

¹¹⁹ Henry V. Moyana, *The Political Economy of Land in Zimbabwe* (Gweru: Mambo Press, 1984), p. 92.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² Christopher Paul, Colin P. Clarke, Beth Grill and Molly Dunigan, “Kenya, 1952–1956 Case Outcome: COIN,” in *Paths to Victory: Detailed Insurgency Case Studies* (California: Rand Corporation, 2013), p. 64.

¹²³ *Ibid.*

¹²⁴ Frank Corfield, *The Origins and Growth of Mau Mau: An Historical Survey (“The Corfield Report”)*, (Nairobi: Government of Kenya, 1960), pp. 31, 64–65.

¹²⁵ Fred Majdalany, *State of Emergency: the Full Story of Mau Mau* (Boston: Houghton Mifflin, 1963)

¹²⁶ David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (London: Weidenfeld and Nicolson, 2005), pp. 62-63.

Africans utilized guerrilla warfare to fight the British. Men and women moved into Nyandarua and Mount Kenya forests to conduct guerilla tactics on the British and their supporters. They killed loyalists, home guards and the British. The majority of the Africans who did not make it to the forest were put in overcrowded reserves. The Mau Mau used ‘oathing’¹²⁷ to get followers among men, women and children who would be part of the struggle for independence. Civilians played both supportive and combat roles during the struggle without which the struggle could not have been possible.¹²⁸ Some women fought alongside the men in the forests, the children would relay information discreetly and transport guns in their school bags.¹²⁹ On their part, the British used home guards, loyalists and the government army to suppress the uprising while the Mau Mau used civilians (men, women and children) to fight for their freedom and their land. The men and women conducted guerilla warfare from the forest, fighting for land and freedom. Operation Anvil launched in April 1954 by the forces of the colonial government sealed off Nairobi. The Operation gradually weakened the Mau Mau and with the arrest of Dedan Kimathi in October 1956, the British were winning.¹³⁰ The rebellion was squashed by the British in 1956 in November but the insurgency ended in 1960. The insurgency is considered to have the stage for independence in Kenya.

Kenya underwent various constitutional changes after the rebellion broke out. These were: The 1954 Littleton Constitution named after the colonial secretary, Sir Littleton, the Lennox-Boyd Constitution, 1958, the Macleod Constitution, 1960, and the *Majimbo* Constitution, 1962. Okoth-Ogendo notes that, the Littleton Constitution was the first constitution used to advice the governor on African representation in the LEGCO.¹³¹ The Constitution made provisions for only one African representative in the twelve-member Council of Ministers. The Europeans got three membership slots while the Asians got two. The rest of the representatives were appointed by the governor. African representative rejected the Constitution even though it was the first multiracial constitution. The Lennox-Boyd Constitution¹³² increased the number of Councils of Ministers to

¹²⁷ Ibid, p. 110.

¹²⁸ Ann Cora Presley, *Kikuyu Women, the Mau Mau Rebellion, and Social Change in Kenya* (Boulder, CO: Westview Press, 1992), p. 136-50.

¹²⁹ Peter K. Njiru, *Children and the Mau Mau: a Case Study of Kikuyu Division of Kiambu District, 1952-1960* (MA Dissertation, University of Nairobi, 2009), p. 52-64.

¹³⁰ Paul, Clarke, Grill and Dunigan, *Kenya, 1952–1956 Case Outcome...* p. 72.

¹³¹ H.W. O. Okoth-Ogendo, “The Politics of Constitutional Change in Kenya Since Independence 1963-1969,” *African Affairs*, Vol. 71. No. 282, (Jan, 1972), pp. 9-34.

¹³² Ibid.

sixteen. Half were to be elected and the other half appointed by the governor. Similar to the Littleton Constitution, Europeans had the majority members. Africans demanded for their independence which was to be negotiated through constitutional conferences. Despite the repressive laws enforced by the British and the concentration of Africans into reserves, the Constitution did not address the returning of land to Africans. Thirdly, the Macleod Constitution, a product of Kenya Constitutional Conference, Lancaster House held in London in 1960 increased the number of Africans in the LEGCO to sixty-five members and the Council of Ministers. The Constitution also provided for independence.

Consequently, the Majimbo Constitution of 1962¹³³ which was a product of Lancaster II made provisions for internal self-rule but the Queen of England still had control over the security, foreign affairs and the legislature of Kenya. Kenya African Democratic Union (KADU) which was the opposition in the 1961 multiracial elections had formed the government while Kenya African National Union (KANU) which won the elections waited for the release of Jomo Kenyatta. At this time, Commonwealth citizenship was conferred on all British subjects in all her colonies.¹³⁴

An Act passed by the British Parliament in April became law in May and the 1963 Constitution. The Constitution created a position of a prime minister to head the cabinet, a bicameral parliament with 141 house representatives and 41 senators. Kenya gained internal self-rule as a dominion with the Queen of England as the head of State and the prime minister Kenyatta as the head of government. June 1 1963, when the first internal government took office became *Madaraka* Day; a day celebrated every year in the Kenyan calendar. Lancaster Conference III was held in the same year. It was in 1964 that Kenya became a republic and the idea of regions dwindled as it had been in 1962.¹³⁵ The republican constitution created the position of a president as the head of state and government and Jomo Kenyatta became the first president with Oginga Odinga as Kenya's vice president.

During Kenyatta's tenure in office as president 1963-1978, 'political stability' was maintained through suppression of opposition parties. Constitutional amendments dwelt on powers

¹³³ Ibid.

¹³⁴ Kenya Constitutional Conference, Lancaster House, 1962. Committee on Land and Citizenship, March 7-15 MAC/KEN/46/7.

¹³⁵ Kivutha Kibwana, "Constitutional Development in Kenya in 1999," Available at <http://www.kituoachakatiba.Org/index2.php> (1999), p.3 (accessed 25th November, 2019)

of the president and representatives in the senate and the regions. Okoth-Ogendo posits that the by establishing regions as provided for in the April 1963 constitutional document KADU had won. KANU led by Kenyatta and deputized by Odinga was opposed to regionalism terming the constitution as a gateway to internal self-rule but not independence. Thus, the May 1963 elections as a referendum on regionalism. Regionalism was also viewed as a vice because of its ethnocentric character and could escalate border flare-ups as seen in the Luo-Kalenjin clashes in the first half of 1963 over Kitale District, the Luo-Luhya clashes over Maseno Division and political irredentism. It was around this time that the Kenya-Somali question developed into an international problem.¹³⁶ A stalemate ensued between KADU and KANU when the government declared a state of emergency on 27 December 1963 in the Northern Frontier District. KADU did not support the government in the Senate vote. The government got 60.5% of the vote instead of 65% required to enforce the emergency. Inter-party negotiations resolved the stalemate displaying the dark side of regionalism as a system of limiting power. Centralism was the best option hence, the government's desire for a one party system. The second amendment reduced regional presidents to chairmen and transferred power to alter regional boundaries from regional assemblies to parliament. The third amendment changed the procedure of constitutional amendment to lower the majority of votes required in the senate and parliament. In the senate, 90% of votes were required while in parliament 75% of votes were required for all purposes. These were all reduced to 65% for all purposes.¹³⁷ These were measures taken to minimize the party rivalries between KADU and KANU.

The fundamental changes that followed from 1966-69 rested more power on an executive president and his party and further suppressed the regionalism ideology advocated strongly by Oginga Odinga and allied MPs who resigned from being vice president in 1966 and formed Kenya People's Union (KPU) which was later banned in 1969. It was in 1966 that the minister for citizenship was directed to grant citizenship to former British subjects and commonwealth citizens who had lived in Kenya for more than six months.¹³⁸ The Shona in Kenya could have taken this opportunity and acquired Kenyan citizenship. However, Muregerera agrees that the Shona did not experience any problems in terms of their identity in Kenya and did not see the need to acquire

¹³⁶ H.W. O. Okoth-Ogendo, "The Politics of Constitutional Change," p. 18.

¹³⁷ Ibid, p. 20.

¹³⁸ The Constitution of Kenya Amendment Act No. 16 of 1966.

Kenyan citizenship at the time.¹³⁹ Nguabi reiterates that things were good and peaceful for them during the Kenyatta years and they carried out their missionary activities with ease.¹⁴⁰

Daniel Arap Moi succeeded Kenyatta when he died in August 1978. Moi's regime was marked by political oppression. Kibwana notes that during President Moi's time, various constitutional amendments were effected to shrink the democratic space and dismantle multipartism just like it was during the reign of President Kenyatta. In 1982 a constitutional amendment made Kenya a *de jure* one party state¹⁴¹. Kibwana notes that this was a ploy to delay the block the registration of an opposition party led by Oginga Odinga and George Anyona. In August an attempted coup was crashed and the government of the day resorted to dictatorship.¹⁴² The hay days of Moi's dictatorship (1982-1988) were marked by rampant crackdown on the Mwakenya and anyone considered a political dissident by the regime.¹⁴³ These developments drives Khapoya to ask if Kenya under Moi was a continuity or change from the Kenyatta regime.¹⁴⁴ The Amendment of 1986 repealed citizenship provisions made by the Independence Constitution and the Amendment of 1966. Citizenship was restricted to those born of Kenyan parents and not for everyone born in Kenya after December 1963 as stated in the 1963 constitution.¹⁴⁵

The Saba Saba demonstrations in 1990 calling for multipartism was crushed by the Kenya police and scores were killed. In 1991, section 2A of the Constitution was repealed ending the *de jure* one party-state.¹⁴⁶ Politically instigated ethnic clashes left thousands of Kenyans displaced and over 1000 people were killed during the clashes between 1991 and 1993.¹⁴⁷ Moi won general elections in 1992 and 1997 in a multi-party elections. Muregerera explains that during President Moi's reign, the Shona in Kenya experienced harassment and arrests because of lack of valid Kenyan documentation. A few who had British passports that they had used to travel to Kenya were granted alien cards which they had to renew every year as the law demands for every foreigner.¹⁴⁸ The refugee influx into Kenya from Somalia in 1990 was branded a security threat by

¹³⁹ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2018.

¹⁴⁰ Moffat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

¹⁴¹ The Constitution of Kenya Amendment Act No. 7 of 1982.

¹⁴² Kibwana, "Constitutional Development in Kenya in 1999," p. 4.

¹⁴³ Ibid.

¹⁴⁴ Vincent B. Khapoya, "Kenya Under Moi: Continuity or Change?" *Africa Today*, Vol. 27. No. 1 (1980), pp. 17-32.

¹⁴⁵ The Constitution of Kenya Amendment Act No. 6 of 1986.

¹⁴⁶ The Constitution of Kenya Amendment Act No. 12 of 1991.

¹⁴⁷ Kibwana, "Constitutional Development in Kenya in 1999," p. 4.

¹⁴⁸ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2018.

President Moi's government hence, there was a lot of scrutiny towards the communities which were from foreign countries.

In 1997, widespread mass action forced the government to amend the constitution in order to provide a framework for constitutional change. The framework was further amended to the Constitution of Kenya Review Act, 1998 to set the stage for a people driven constitution-making process.¹⁴⁹ At the beginning of a new millennium, a Constitution Review Commission was constituted led by Yash Pal Ghai in 2000. The Commission was given the task to involve the general population in the making of a new constitution. Two years later in 2002, the 24-year rule of Moi ended when National Rainbow Coalition won the elections and Mwai Kibaki became president. Ndegwa states that, the outcome of the 15-pact opposition parties' coalition brought down one of Africa's most intransigent semi-democratic regimes and renewed hope for fundamental reforms for the Kenyan people.¹⁵⁰

In November 2005, the proposed new constitution was rejected in a referendum. Andreassen and Tostensen contend that the referendum that pitched the oranges against the bananas reconfirmed the ethno-political traits of the country's politics and political loyalty anchored on ethnicity.¹⁵¹ This traits clearly manifested in the December 2007 elections that sank the country in a post-election violence that saw the death of 1500 people, 3000 women raped and 300 000 people displaced.¹⁵² Analyzing the post-election conflict, Roberts places the root cause of the conflict on a weak national constitution without checks and balances between the three arms of government: the executive, the judiciary and parliament. He also identifies broken promises by the NARC government and the desire of an executive President Kibaki to keep the power that he had campaigned against in 2002.¹⁵³

Five years later in August 2010, Kenyans accepted the new constitution in a referendum and it was promulgated making it the first constitution made from the input of the general population since Kenya got her independence. The constitution provided for a new system of

¹⁴⁹ Kibwana, "Constitutional Development in Kenya in 1999" p. 4.

¹⁵⁰ Stephen N. Ndegwa, Kenya: Third Time Lucky?" *Journal of Democracy*, Vol.14. No. 3 (2003), pp. 145-158.

¹⁵¹ Bård Anders Andreassen, and Arne Tostensen, *Of Oranges and Bananas: The 2005 Kenya Referendum on the Constitution* (Bergen: Chr. Michelsen Institute, 2006)

¹⁵² Roberts J. Mara, "Conflict Analysis of the 2007 Post-election Violence in Kenya," in *Managing conflicts in Africa's Democratic Transitions*, eds. Akanmu Gafari Adebayo (Maryland: Lexington Books, 2009), p.143.

¹⁵³ *Ibid*, pp. 143-145.

government based on counties.¹⁵⁴ It is also the first constitution to allow for dual citizenship in Kenya. The constitution provided for citizenship by birth, decent and registration. It is the first constitution to provide for dual citizenship in the history of Kenya.¹⁵⁵

In 2011, the Citizenship and Immigration Act was enacted to address the growing number of stateless persons in the country. The Act gave a five-year window after its enactment for the government to address statelessness and in 2017, the Indians and the Makonde were officially recognized as the 44th and the 45th ethnic communities in Kenya by President Kenyatta.¹⁵⁶

2.3 A Brief History of Zimbabwe

The republic of Zimbabwe, a landlocked country in southern Africa lying north of the Tropic of Capricorn is located between River Zambezi and River Limpopo. It is 20 00° South and 30 00° East. It is bordered by South Africa to the south, Botswana to the south west, Zambia to the north west, Mozambique to the north east and Namibia to the westernmost point. The largest and capital city is Harare. The lowest point is at the junction of the Runde and Save Rivers at 162m while the highest point is at Mt. Nyangani at 2592m above sea level. Much of the country is high plateau with higher central plateau (high veld) forming a watershed between the Limpopo and Zambezi River Systems. The country experiences subtropical climatic conditions which varies with dry seasons between the months of May and September and the rainy season in November through to March. Its capital city is Harare.¹⁵⁷

Mazarire notes that the pre-colonial history of Zimbabwe is often told in reference to the rise and fall of numerous empires. Empires of the Great Zimbabwe, the Mutapa, the Torwa, the Rozvi/Rozwi and the Ndebele states.¹⁵⁸ Mazarire also contends that scholars writing on Zimbabwean history have reduced it to a territory with distinct ethnic blocs consisting of the Shona, Tonga, Ndebele, and Venda among others. However, the pre-colonial history of Zimbabwe

¹⁵⁴ Constitution of Kenya, 2010, Chapter 11.

¹⁵⁵ Ibid, Chapter 3.

¹⁵⁶ Zarina Patel and Jill Ghai, A Tribe, A Nation, A People – Or Just Kenyans? Awaaz Magazine, Vol. 14. Issue 2 dated 27th October 2010.

¹⁵⁷ Geography of Zimbabwe, available at <https://www.worldatlas.com>, accessed on 24th November, 2019.

¹⁵⁸ Gerald Chikozho Mazarire, “Reflections on Pre-colonial Zimbabwe, c. 850-1880s,” in Raftopoulos, B., & Mlambo, A. (Eds.). *Becoming Zimbabwe. A History from the Pre-colonial Period to 2008: A History from the Pre-colonial Period to 2008*. (African Books Collective, 2008), p. 1.

covers a large region stretching into present day South Africa, Mozambique and Zambia inhabited by people with similar beliefs, languages and institutions.¹⁵⁹

Different groups settled in the region at different times. The Zhizo people settled in the Limpopo region between c.600-900. They were replaced by the Leopard's Kopje people who later moved to the Kalahari. The Mapungubwe settled into the area from 1220 to 1290 and were the first people to establish what was regarded as a state. The Great Zimbabwe succeeded Mapungubwe and established what was considered at the time the biggest political and economic centre in the south of the Zambezi region. The Great Zimbabwe existed from 1325 to 1450 when it was replaced by the Mwene Mutapa Empire to the north-east and Khami to the west.¹⁶⁰

The arrival of the Portuguese in 1506 disrupted activities in the region. The Portuguese interfered with trade and political organization of the empires. In response, the *Sachitive Nyamunda* Empire in the south east devised ways to stop the trade dealings between the Portuguese and the Mutapa Kingdom at the coast. In 1569-77, the Portuguese attempted to invade the Mutapa state. The presence of the Portuguese fueled several civil wars among the states and the empires. Some states were supported by the Portuguese against the others and in 1750, civil wars had reached their peak leading to the decline of the Rozvi state. It was replaced by the Ndebele state led by King Lobengula. King Lobengula signed the Tati Concession in 1870 with Sir John Swirburne of London to allow the Limpopo mining company to mine gold discovered in 1864 in his kingdom.¹⁶¹

The cooperation between the Portuguese and the Ndebele kingdom invited hostilities from the neighbouring kingdoms and in 1879, the Shona defeated the Ndebele at *Nyaningwe Chivi*. To gain more allies and defeat the Shona, King Lobengula signed several treaties. Grobler Treaty in 1887, the Moffat Treaty in February 1888, and the Rudd Concession in March 1888 in order to gain mining rights in Matabeleland. In 1889, the Queen of England granted Cecil Rhodes a Royal Charter. Rhodes' actions triggered the Matabele War or *Imfazo* I in 1893, fought between the

¹⁵⁹ Mazarire, "Reflections on Pre-colonial Zimbabwe, c. 850-1880s" p. 2.

¹⁶⁰ Bryan Raftopoulos and Alois Mlambo, *Becoming Zimbabwe. A History from the Pre-colonial Period to 2008: A History from the Pre-colonial Period to 2008*, eds. (African Books Collective, 2008), p. X.

¹⁶¹ Ibid.

Matabele and the British. In May 1895, the British South Africa Company (BSAC) took over and renamed the territory Southern Rhodesia.¹⁶²

By this time, Rhodes BSAC had become unpopular due to the stringent rules imposed on the Ndebele, the Shona and other indigenous people. The Hut Tax introduced in 1894, led to dispossession of land and pushing the Africans into Gwayi and Shangani reserves led to the outbreak of the Ndebele Uprising or *Umzukela Wokuqala/ Imfazo II* in March 1896 and the Shona Uprising or the First Chimurenga War in June the same year. The Ndebele and the Shona lost the wars and the BSAC continued governing the territory until 1923 when Southern Rhodesia became a self-governing colony.¹⁶³ Moyana notes that the Ndebele who declined to move into Gwayi and Shangani reserves allocated to them by the British became settlers on the White-owned farms and they had to pay rent, provide free labour or face eviction.¹⁶⁴

Similar to Kenya and other British colonies in Africa, the natives in Southern Rhodesia suffered in the hands of the colonists. Their cattle were confiscated, their land was taken away forcefully and they had to fight on behalf of the Crown of Britain in war. At the onset of WWII many Rhodesians participated in the war on behalf of the Crown of England largely in the East African Campaign and against the Axis forces in Italian East Africa. Their participation in the war awakened their desire to regain control over their land and resources. As Moyana posits, land was the uniting factor and the key to mass nationalism and the awakening of the political consciousness.¹⁶⁵

Mothibe concurs with Moyana that, the 1945 African Railway workers strike and the 1948 general workers strike was the beginning of African labour's militancy. The strikes contributed majorly to the post-war nationalism in Zimbabwe and the leadership of the Black nationalists. The colonial government responded by politicizing the economy¹⁶⁶ and the creation of the Central African Federation (CAF) to promote the settler economy in 1953.¹⁶⁷ The Africans organized themselves into political parties such as the Black Nationalist Democratic Party (NDP) formed in

¹⁶² Ibid.

¹⁶³ Sabelo J. Ndlovu-Gatsheni, "Mapping Cultural and Colonial Encounters 1880s-1930s," in *Becoming Zimbabwe*, eds. Raftopoulos, B., & Mlambo, p. 39.

¹⁶⁴ Moyana, *The Political Economy of Land in Zimbabwe*, p. 3.

¹⁶⁵ Ibid.

¹⁶⁶ T. H. Mothibe, "African Workers' Militancy As a Basis for Post-War Nationalism in Colonial Zimbabwe, 1945-1953," *Transafrican Journal of History*, Vol. 23 (1994), pp. 158-183.

¹⁶⁷ Ibid.

1960 but they could not meet because the colonial government banned them from gathering. NDP was replaced by Zimbabwe African People's Union (ZAPU) in 1961 after it was banned. In the same year, the new Southern Rhodesia Constitution came into force after a referendum.

The Federation was dissolved in 1963 and Zambia (Northern Rhodesia) and Malawi (Nyasaland) gained independence in 1964. Southern Rhodesia remained under colonial rule. ZANU which was formed the previous year sent able bodied men to socialist bloc countries to gain military expertise in readiness to wage liberation wars against the British. To have a firm grip on Southern Rhodesia, the colonial government drafted a constitution to prevent decolonization in 1965, a move sparked off a civil war in order to achieve political rights for the natives. The war began when Ian Smith's government declined Britain's efforts to transfer power to the Black majority. Ian Smith declared Southern Rhodesia independent from the UK government. Jackson notes that, the Black majority marshalled support of their two parties, ZANU and ZAPU based on Marxist ideology and gained support from China and the Soviet Union.¹⁶⁸ Zimbabwe African National Liberation Army (ZANLA) guerrillas waged war against the colonial government in the Battle of Chinhoyi in 1966. The military wing of ZAPU, Zimbabwe Independent People's Revolutionary Army (ZIPRA) joined forces with ZANLA and launched incursions from Zambia and Mozambique between 1966 and 1969 but were unsuccessful.¹⁶⁹

Ian Smith's Unilateral Declaration of Independence (UDI) from the UK government culminated into a republic in 1970 with a white minority government. The Declaration ignited a series of embargoes imposed on tea, maize, beef and tobacco the by Britain. Rhodesia was eliminated from the Sterling area of the Commonwealth of Nations trade system.¹⁷⁰ The political and economic pressure from within Rhodesia and beyond paved way for independence. The Lancaster House Constitutional Conference of 1978 was convened to negotiate the terms and the independence constitution. The British government, Rhodesian government and the nationalist movements signed the Lancaster House Agreement in December 1979. The Agreement ended the civil war and granted independence. Joshua Nkomo's ZAPU won the elections and formed the

¹⁶⁸ Paul Jackson, "The Civil War Roots of Military Domination In Zimbabwe: The Integration Process Following the Rhodesian War and the Road to ZANLA Dominance," *Civil Wars*, Vol. 13. No. 4 (2011), pp. 371-395.

¹⁶⁹ Paul, Clarke, Grill and Dunigan, "Zimbabwe/Rhodesia 1965-1980," in *Paths to Victory*...p. 289.

¹⁷⁰ Simeon Maravanyika, "Mud Pies and Msasa (Tree) Leaves: The Unilateral Declaration of Independence (UDI), International Sanctions and Settler Agriculture in Colonial Zimbabwe, 1965-1979," *Zambia Social Science Journal*, Vol. 5. No. 3 (2014), pp. 1-18.

first independence government. Another election was held in February 1980 and Robert Gabriel Mugabe's ZANU-PF won the elections. In 18 April 1980 Zimbabwe officially became independent with Robert Mugabe as President.¹⁷¹

Hatchard notes that, the Westminster constitutional model gave parliament powers over the executive to end autocratic rule and undemocratic practices witnessed under Ian Smith but it preserved the unequal distribution of land and white dominance. This gave Mugabe momentum to initiate several amendments to the independence constitution. In 1987, a constitutional amendment abolished the seat of the prime minister and seats of white minorities in parliament making Zimbabwe a *de facto* one party state under a presidential system.¹⁷² The independence constitution accorded citizenship by birth, decent and registration. An individual had to be born of one or both Zimbabwean parents to be considered a citizen. Citizenship by decent was also pegged on being born by one or both Zimbabwean parents and if the birth is registered according to the law on registration of births. In addition, citizenship by registration could be acquired through marriage, adoption and having parents who are citizens by decent.¹⁷³

Mlambo tracing the economic decline in Zimbabwe during the 1990s assert that, the country underwent economic hardships. The manufacturing grew sluggishly and the removal of price controls resulted in high inflation and a drop in consumer demand. In effect, manufacturing struggled stressing the economy further as companies downsized or closed down.¹⁷⁴ The 1997 food riots drove trade unionists, students and workers to demonstrate expressing their discontent towards the harsh rule of President Mugabe.¹⁷⁵ The country as a whole was feeling the economic pinch as companies closed down and tens of thousands of workers retrenched. In response, the government used police brutality to quell the demonstrations. Arguably, the actions of the oppression led to the rise of the Movement for Democratic Change (MDC) led by Morgan Tsvangirai. In 1999, the government and a newly formed Movement for Democratic Change

¹⁷¹ Terence O. Ranger, "Afterword: War, Violence and Healing in Zimbabwe," *Journal of Southern African Studies*, Vol 18. No. 3 (1992), pp. 698-707.

¹⁷² John Hatchard, "The Constitution of Zimbabwe: Towards a Model for Africa," *Journal of African Law*, Vol. 35. No.1/2 (1991), pp. 79-101.

¹⁷³ Constitution of Zimbabwe 1980, Article 4-8.

¹⁷⁴ Alois Mlambo, "From an Industrial Power House to a Nation of Vendors: Over Two Decades of Economic Decline and Deindustrialization in Zimbabwe, 1990-2015," *Journal of Developing Societies*, Vol. 33. No. 1 (2017), pp. 99-125.

¹⁷⁵ *Ibid.*

(MDC) led by Morgan Tsvangirai handpicked Constitutional Commission of Inquiry instead of a constitutional conference led the reform process. They were to consult the public, draft a constitution and present it to the president for finalization. The draft was put through a referendum in February 2000 and Zimbabweans voted no indicating that it had failed to include their views.¹⁷⁶

As a consequence, the defeat is said to have demoralized the ZANU-PF government. Mugabe's government led the country towards economic and political decline. The democratic space shrunk and intimidation of those who called for change was the order of the day. Mounting internal and international pressure led to the drafting of the Kariba Constitution Draft, 2007 between ZANU-PF and MDC. The Draft gave the president absolute powers and allowed no public participation. As a result, it did not see the light of day.

Post-election violence erupted in March 2008 after ZANU-PF refused to concede defeat in an election believed to have been won by MDC-T. In September 2008, ZANU-PF and MDC reached a power-sharing agreement called Global Political Agreements (GPA) in September, 2008 brokered by SADC ending six months of violence in the country. Tsvangirai became the prime minister and Mugabe remained president. The GPA promised a new constitution by August 2010.¹⁷⁷ A Parliamentary Committee on the Constitution (COPAC) held an all-stakeholders constitutional conference in July 2009 and collected views from the public between June and October 2010 but by July 2012, the draft was rejected by President Mugabe and ZANU-PF on the grounds that it reduced presidential powers, introduced same-sex marriage, provided for a constitutional court, and allowed foreign funding for political parties.¹⁷⁸

ZANU-PF insisted on a powerful president. Another draft constitution with an executive as the head of state and government, and also the commander in chief of the defense forces underwent a referendum on March 16 2013. It was a success and the constitution of May 2013 replaced the 1980 independence constitution which had been supplemented by amendments over the years.¹⁷⁹ The constitution gave the same provisions on citizenship by birth, descent and registration. One has

¹⁷⁶ Gwinyayi A. Dzinesa, *Zimbabwe's Constitutional Reform Process: Challenges and Prospects* (Wynberg: Institute for Justice and Reconciliation, 2012), p.3.

¹⁷⁷ Sabelo J. Ndlovu-Gatsheni, "Rethinking "Chimurenga" and "Gukurahundi" in Zimbabwe: A Critique of Partisan National History," *African Studies Review*, Vol. 55. No. 3 (2012), pp. 1-26.

¹⁷⁸ Gwinyayi A. Dzinesa, *Zimbabwe's Constitutional Reform Process*, pp. 5-7.

¹⁷⁹ Steve Kibble, "Zimbabwe Between the Referendum and the Elections," *Strategic Review for Southern Africa*, Vol. 35. No. 1 (2013), pp. 93-117.

to be born of one or both parents who are Zimbabweans by birth or decent or either of their grandparents are Zimbabweans by birth or decent. Children found in Zimbabwe and presumed to be fifteen years and below of age are to be considered citizens by birth. Further, the constitution granted citizenship by registration to persons married to Zimbabweans or adopted and to those who had legally resided in the country for a continuous period of at least ten years.¹⁸⁰

Ncube notes that the election of 2013 took place within a new constitutional framework. ZANU-PF won the 2013 elections which were hailed as free and fair by SADC, AU and the UN but the situation in the country worsened. Tsvangirai rejected the results and the legitimacy of the election terming a “huge farce” manipulated by President Mugabe and allies.¹⁸¹ Nation-wide protests rocked the country especially in 2016. The protests are reported to have escalated as a result of the economic collapse in the country. The national debt was 107% of the Gross National Product.¹⁸² The Zimbabwean minister for finance admitted that the ‘country had nothing’. The government was quick to introduce bond notes to alleviate the situation which could not be salvaged. The bond notes did very little.¹⁸³ In November 15 2017, the army put President Mugabe under house arrest. He resigned on 21 November and Phelekezela Mphoko, his vice-president took over as acting president. Emerson Mnangagwa took oath of office as president on 24 November 2017.

2.4 The Gospel of God Church

The Gospel of God Church is a spirit-type indigenous *Zionist* African church established on October 1 1932 at Mount Marimba near Salisbury (present day Harare) in Southern Rhodesia.¹⁸⁴ On this day, Johane Masowe was reported to have ‘resurrected’ from the dead as John the Baptist also called John of the wilderness on Mount Marimba in Rusape District where he was given his divine Commission by *Mwari* (the Shona God). Johane is said to have preached extreme and apocalyptic sermons focusing on the day of judgement. He gave his followers, the *vaHossana* the assurance that they would not die. In his preaching Johane dismissed government, other churches

¹⁸⁰ Constitution of Zimbabwe, 2013, Article 35-38.

¹⁸¹ Cornelius Ncube, “The 2013 Elections in Zimbabwe: End of an Era for Human Rights Discourse,” *Africa Spectrum*, Vol. 48, No. 3 (2013), pp. 99-110.

¹⁸² Stephen Chan, and Julia Gallagher, *Why Mugabe Won: The 2013 Elections in Zimbabwe and Their Aftermath*. (Cambridge: Cambridge University Press, 2017), p.170.

¹⁸³ The Economist, “Zimbabwe’s Begging Bowl: Bailing Out Bandits,” 420 (8997). 9 July 2016. pp. 43–44. Accessed on 11 October 2019.

¹⁸⁴ Clive Mary Dillon-Malone, *The Korsten Basketmakers*, p. 16.

and sacraments labelling them the works of the devil.¹⁸⁵ Like a missionary, Johane travelled a lot to gather Africans and teach the word of God that he was given. Muregerera explains how his abilities to perform miracles drew people closer to him:

Our prophet raised the dead. He healed the sick instantly and commanded even objects to move. One day as he was using a wheelbarrow and a spade, he commanded the spade to scoop soil and it did. Johane commissioned us to go all over the world and preach the gospel of God hence the name of our church but we must always return to Nairobi. The first destination from Zimbabwe where he went to preach was South Africa.¹⁸⁶

Johane's followers accompanied him to Northern Rhodesia (now Zambia), Nyasaland (now Malawi), Bechuanaland (now Botswana), Mozambique and Johannesburg. They later settled in Korsten slum adjacent to Port Elizabeth in 1947. Hence the name Korsten Basketmakers.¹⁸⁷ They later moved northwards into Botswana, Zambia, Zimbabwe, Tanzania and Kenya.¹⁸⁸

The overall leadership in the Gospel of God Church rests on the Holy Spirit. It is the Spirit that inspires the ordination of pastors, evangelists, teachers and prophets. Decisions on matters that concern the church are made by two Councils: the Council of Jacob and the Council of Petros. The Council of Jacob has seven elders signifying the seven covenants in the bible.¹⁸⁹ The Council of Petros has twelve elders. The two councils are composed of men who serve in different capacities in the church. The evangelists who are ordained from the former pastors are in-charge of each congregation. Every congregation has a senior pastor. The prophets and teachers are the only group of leaders comprised of men and women. The female leaders are the Sisters of the Ark/house of the Covenant who are not allowed to marry but are mothers (*Mai*) of the world as a whole.

The titles such as *Baba* (Father) and *Mai* (Mother) in Shona language are used politely to refer to members of the congregation and the sisters of the Ark/house of the Covenant since they are considered mothers of the whole world. The house of the covenant signifies the New Jerusalem, a bridegroom prepared for her mate-the great saviour.¹⁹⁰ The sisters live a holy life marked by no physical or other interactions with the other members of the congregation. If they have to then the

¹⁸⁵ Ibid, 18.

¹⁸⁶ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2008.

¹⁸⁷ Ibid.

¹⁸⁸ Isabel Mukonyora, "The Dramatization of Life and Death by Johane Masowe" p. 193.

¹⁸⁹ The Message of God in Africa 1932 A. D, Gospel of God Church, Nairobi, Kenya.

¹⁹⁰ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2008.

interactions must be governed by strict prohibitions lest they sin against the House of the Covenant. The criteria for one to be a sister of the house of the Covenant dwells on the choices of the Holy Spirit which in this case must be communicated through the prophets.¹⁹¹ Out of the tithes and offerings given by the congregation, it is only the sisters entitled to use it for their daily needs.

The Shona of the Gospel of God Church worship on Sabbath (Saturday).¹⁹² They strictly adhere to ancient biblical traditions. They worship facing east in order to receive the Holy Spirit¹⁹³ with men seated in the front rows while the women at the back separated by some space. No shoes are allowed during worship so as not to desecrate the holy ground they worship on.¹⁹⁴ Observing the Sabbath and adhering to the church way of worship must be done in everyday life as a form of ministry in order to win souls.

The congregants make their prayers collectively at specified times, individual prayers are made at home and there is also the laying of hands. They use no musical instruments and no dancing. A popular chorus '*Hosanna*' a one-word chorus in many different tunes is sang during worship. Besides using the bible, they use the Book of Adam, the Book of Zohar, the Book of Enoch and the Book of Jubilees as sources of scriptures. These books were written by their founder, Johane Masowe.¹⁹⁵

The most celebrated holiday is October 1. This is the day their church founder was born. It is the day their church was founded and also the day Masowe commanded them to observe. On Sabbath they wear white shawls and dresses. The dress code is conservative and demands women to be fully covered during prayers. The men are not allowed to wear shorts and the women are prohibited from wearing trousers. The women wear white modest and long dresses with matching headscarves. The men must shave their heads clean and grow their beards as a symbol of those who subscribe to the seventh covenant.¹⁹⁶

The followers of Johane Masowe believe that the African continent is the Egypt referred to in the bible. These claims are also supported by their prophetic book of Enoch. Ranger notes

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

that, Jack Sitole, a Masowe Apostles evangelist was recorded saying: “*Izwi Ndizwo zwakata wurwa ne izwi kwetiri.*” Meaning, the Apostles are the church and they should go and preach to all nations but first to Africa.¹⁹⁷ The interpretation they give is that Egypt which in their case is Africa is *Misr* in Arabic. The name is derived from *Mizraim*, the biblical name of one of Ham’s sons and Ham means Noah’s black son. Further, they use the Egyptian ancient language which referred to Egypt as *Kheme, Khermit, Keme, Kimi, Kame* and *Kheme*. All these names mean the ‘land of black people’.¹⁹⁸ While he was preaching in the wilderness, Masowe asked for asylum from Israel to escape the British in southern Rhodesia. On his way, he passed through Lusaka in Northern Rhodesia, Dar-es-salaam in Tanganyika and Nairobi in Kenya.¹⁹⁹

The congregants of the Gospel of God Church conduct a lot of their worship outdoors in selected compounds. The use of buildings during worship is not a requirement. They worship in the open like it was done by the founder of their church during his days in the wilderness. Church infrastructure such as buildings are dedicated to the sisters in form of a convent.²⁰⁰

2.5 The Shona in Kenya

The first group of the Shona arrived in Kenya in 1960. They came as missionaries.²⁰¹ They came with a purpose to live in their promised land and wait for their saviour. However, living in the ‘promised land’ has been a challenge as they struggle to cope and search for an identity amongst the indigenous populations since their roots lie elsewhere. Oliver Muregerera recalls:

I came with my mother in 1961. I was two years old. My father came earlier in 1960 with other thirteen people to plant a church- the Gospel of God Church. I was very young then. What I remember most as a child is the celebration immediately after independence. People were so jubilant. We have lived in Kenya ever since. Kenya is our evangelical centre. The first group lived in Ngong until 1973 when they moved to Kiambaa. They moved due to the hostility of the neighbouring Maasai Community. They were always beaten on their way from the market by their neighbours. In Kiambaa we have not experienced any hostility. The people

¹⁹⁷ Terence O. Ranger, “Taking on the Missionary’s Task: African Spirituality and the Mission churches in Manicaland in the 1930s,” *Journal of Religion in Africa*, Vol. 29. Fasc. 2, (1999), pp. 175-205.

¹⁹⁸ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 18th July, 2008.

¹⁹⁹ Dillon-Mallone cited by Terence Ranger “Taking on the Missionary’s Task: ... p. 193.

²⁰⁰ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 18th July, 2008.

²⁰¹ Daneel L. Marthinus, *Old and new in Southern Shona Independent Churches* (Netherlands: Mouton & Company, 1971), p. 339-342.

there are friendly, we know each other and speak the same language. We speak Kikuyu very well and Kiswahili too. Our children do and they play together.²⁰²

Maina gives an account of the Shona living in Kenya in her article. She notes that they have been living ‘invisibly’ among Kenyans since the 1960s. They came to fulfil their religious calling and settle in their holy land. Since their arrival they have been struggling to prove their belonging as Kenyans.²⁰³

Wise tells the story of the Shona people in Kenya living in Kiambaa village in the outskirts of Nairobi. The Shona, instituted into the Gospel of God Church claim that Kenya is their ‘Promised Land’ and Nairobi is their ‘holy city’.²⁰⁴ The Shona say that Kenya is their ‘promised land’ and their home.²⁰⁵ It is in Nairobi that the Ark of the Covenant lies- the Ark of the Covenant is a stone with the signs of the sun, the moon and stars and it is in our holy city, Nairobi.²⁰⁶

The claims made by Kimas prompted Wise to relate the ark with the Galton Fenzi military stone laid in 1939. The stone lays beside the General Post Office (GPO) building in Nairobi City. Wise narrates that the first and second generation of the Shona living in Kenya from Zimbabwe do not have any identification even though they have lived in the country for over fifty years.²⁰⁷ The reason they consider Kenya their Promised Land is that they equate the Egypt referred to in the Holy Bible to Africa. In addition, they claim that Nairobi is at the center of Africa, from Cape Town to Cairo and that is where the altar was built and it is in Nairobi that the ‘great saviour’ shall be sent to deliver the people of God as it is written in the book of Isaiah 19:19-20.²⁰⁸

2.6 Conclusion

This chapter set out to give a historical background of the Shona people, a brief history of Kenya and Zimbabwe, and also to establish the connection between the Shona and Kenya. The Shona initially organized into clans had their own way of life. Their cultural practices revolved

²⁰² Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 18th July, 2008.

²⁰³ Waruru Maina, After 50 Years, Stateless Shona Still Trapped in Kenya’s Shadows. Available at <https://www.reuters.com>, dated May 29, 2015, (accessed on June 24, 2017)

²⁰⁴ W. Wise, Secretive African Sect finds Promised Land in Kenya. Available at www.youtube.com dated July 23, 2009, (accessed on June 24, 2017)

²⁰⁵ Kimas Amos in W. Wise “*Secretive African Sect finds Promised Land in Kenya*” available at www.youtube.com dated July 23, 2009, (accessed June 24, 2017)

²⁰⁶ Ibid.

²⁰⁷ W. Wise, Secretive African Sect finds Promised Land in Kenya

²⁰⁸ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 18th July, 2008.

around music, indigenous religious practices and the running of the clans headed by chiefs. The arrival of the Portuguese and the British in southern Africa forced them to regroup into empires and form political units to fight for the survival of their states. The atrocities committed by the British colonists awakened the Africans in southern Africa to look for other solutions to the problems they were facing under colonial rule. The Shona opted to regroup into a religious outfit led by Johane Masowe. They travelled in southern African countries practicing their religion and later moved northwards into East Africa. Kenya and Zimbabwe share a common colonial history. The only difference is that Kenya gained her independence earlier in 1963 while Zimbabwe became independent in 1980.

The Shona came to Kenya as missionaries instituted into the Gospel of God Church. They came with the aim to fulfil the prophesy of the founder of their church, Johane Masowe. They came in 1960 and settled at Ngong then moved to other parts of Kenya, namely; Kinoo, and Kiambaa in Kiambu County, and also Githurai in Nairobi County. Were they running from colonial oppression and used their religion to get into Kenya so that they would make claims on how they want to be identified in future? The OAU definition identifies foreign occupation as one of the determinants for a person to be considered a refugee. In this case, the Shona are refugees in Kenya. They have been living among Kenyans for almost six decades, interacting with the neighbouring communities and continuing their missionary work. Having lived in Kenya for almost six decades, the next chapter delves into the question of how the Shona identify amongst the Kenyan indigenous communities. The chapter raises a debate on citizenship, refugee-hood in Kenya and the views of the Shona and how they identify within Kenya. The chapter also explores the Kenyan identification regime since 1962 to establish the different citizenship laws over the years. It is in the laws that the identity of the Shona as citizens lie.

Chapter Three

Citizenship Debate, Refugee-hood and the Shona in Kenya

3.0 Introduction

Citizenship is an old contested concept dating back to the times of Athenian democracy and the Roman Republic. It takes many angles depending on who and where it is used. It entails political, social, and civil dimensions. Bauböck notes that, in declining states facing lack of popular rule, citizenship is narrowed down to a formal legal status conferred with rights, privileges and duties granted and enforced by a political authority.²⁰⁹ Liberal citizenship has to rival other citizenships affiliated to organizations, associations and communities that exist in many states.²¹⁰ This chapter applies citizenship and nationality as used in international law, while investigating citizenship and refugee-hood in Kenya, arguing the case of the Shona within the Kenyan identification regime in order to evaluate how they identify.

3.1 Citizenship: a Never Ending Debate and the Shona in Kenya

Several authors on citizenship focus on the never-ending disputed relationship between the state, the nation and citizenship.²¹¹ Sassen refers to the three elements of citizenship- state, nation and the law as ‘bundlings’.²¹² These are the three key sets of official connections on which citizenship is concealed.²¹³ However, they fall short of the ‘natural state’ or the foundational aspects of citizenship since they are political, cultural and historical constructions emanating from and inscribed in various political settings.²¹⁴ Bosniak contends that the relationship between citizenship and the nation-state is not deeply-rooted but dependent on history. Its allocation varies based on the history of a given state and the provisions of the law than the way it is ordinarily acknowledged. In liberal states, the law should be applied equally even to settler immigrants but more often than not, the states decline to grant citizenship citing non-historical. In essence, the

²⁰⁹ Rainer Bauböck, “Citizenship and Migration- Concepts and Controversies” in *Migration and Citizenship: Legal Status, Rights and Political Participation*, eds. (Amsterdam: Amsterdam University Press, 2006), p. 15.

²¹⁰ *Ibid*, p. 16.

²¹¹ John Clarke, Kathleen Coll, Evelina Dagnino and Catherine Neveu, “Imagining the ‘Communities’” of Citizenship in *Disputing Citizenship* (University of Bristol: Polity Press, 2014), p. 109.

²¹² Saskia Sassen, “The Repositioning of Citizenship and Alienage: Emergent Subjects and Spaces for Politics,” *Globalizations*, Vol. 2 No. 1 (2005), pp. 79-94.

²¹³ *Ibid*, p. 80.

²¹⁴ Clarke, Coll, Dagnino and Neveu, “Imagining the ‘Communities’” p. 57.

citizenship granted is ethno-political in nature. She recommends citizenship to be enacted within and beyond and across national borders without discrimination of migrants.²¹⁵ In this case what happens to individuals or groups that history places in locations far away from their ancestral home like the Shona in Kenya?

In the context of migration, members and outsiders are marked based on their citizenship and states of origin. The inside dynamics of citizenship act as exclusionary and inclusionary measures whenever and wherever applied.²¹⁶ Muregera recalls:

After the promulgation of the new constitution of Kenya we were hopeful. I rallied a group of Shona elders in Kenya to the Immigration Department to ask to be identified as per the provision of Chapter three which grants citizenship by birth since all the 1500 Shona people I know were born in Kenya but the answer we got is that the Constitution does not work like that in the case of the Shona.²¹⁷

International perspective views citizenship as a classifying device. It sorts and allocates individuals to sovereign states.²¹⁸ In international law, citizenship is synonymous with nationality making it an ambiguous term since it can also be used to refer to ethno-national groups fighting for self-determination and those that legally identify with states. It is also used in nation-states composed of different 'nationalities'. Citizenship is regulated by domestic law since it binds an individual and the state, while nationality reflects the interstate and the external features relating the individual and a sovereign state. Thus, citizenship and nationality are two sides of the same coin because they concern the national state but with two separate frameworks.²¹⁹

Culturally, citizenship reflects the right to be different in terms of native language, race or ethnicity while respecting the rules of the national community alongside different people with different cultures and their right to belong and participate in the affairs of the state.²²⁰ Contemporary studies on citizenship calls for global or universal citizenship in a diverse world with different communities and cultures. Citizenship takes place in various fronts. It is a practice

²¹⁵ Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (New Jersey: Princeton University Press, 2008), p. 5

²¹⁶ Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness and the Right to Have Rights* (Cambridge: Cambridge University Press, 2008), p. 20.

²¹⁷ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi. 18th July, 2018.

²¹⁸ Bauböck, "Citizenship and Migration- Concepts and Controversies," p. 16.

²¹⁹ Saskia Sassen, "The Repositioning of Citizenship and Alienage," pp. 79-94.

²²⁰ Renato Rosaldo, "Cultural Citizenship and Educational Democracy," *Cultural Anthropology*, Vol 9. No. 3 (1994), pp. 401-411.

which is always in the making and a dispute in itself.²²¹ The Shona in Kenya having intermarried with the local communities and learnt local languages such as Kikuyu, Meru, Luhya and Dholuo together with a good command of Swahili which is the national language of Kenya would qualify for cultural citizenship. However, even the cultural rights are to some extent expanded within legal citizenship which is given by the state especially marriage.

The Charter of the United Nations (UN) reaffirms faith in the fundamental, indivisible, inherent and equal rights, worth and dignity of the human person both male and female...²²² and nationality is a fundamental human right. The Universal Declaration of Human Rights (UDHR) deemed as a common standard of the development of human rights for all nations and peoples stipulates that nationality is a right for everyone²²³ and that it shall not arbitrarily be taken away or denied to anyone who wants to change it.²²⁴

On the other hand, the International Convention on the Elimination of All Forms of Racial Discrimination provides that, “in the Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin...”²²⁵ The Convention states further that it “shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to the Convention between citizens and non-citizens.”²²⁶ In addition, “nothing in the Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.”²²⁷

The provision in these international treaties assume that nationality and citizenship are one and the same thing. They assert that all human beings are to be treated equally irrespective of their nationality or citizenship. They advocate for one form of citizenship which comes attached to a certain state. The treaties provide for equality in granting citizenship and acknowledge that it is the state that grant citizenship. With such provisions in place, one would expect less struggle to

²²¹ Etienne Balibar, “Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence,” *Constellations*, Vol. 8. No. 1 (2001), pp. 15-29.

²²² Charter of the United Nations 1945, Preamble and UDHR 1948, Preamble.

²²³ UDHR, 1948, Article 15(1)

²²⁴ Ibid, Article 15 (2)

²²⁵ International Convention on the Elimination of All Forms of Racial Discrimination, 1965, Article 1(1)

²²⁶ Ibid, Article 1 (2)

²²⁷ Ibid, Article 1 (3)

acquire citizenship in one's country of residence. However, this is not the case for refugees and stateless persons who have to wait in the designated camps for resettlement or for repatriation.

The right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples' Rights (ACHPR) which states that, "every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his/her legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."²²⁸ These are essential to the enjoyment of other fundamental rights and freedoms under the Charter.²²⁹ Bauböck contends that, nationality as a tool for regulating territorial movement limits the rights of individuals and groups from migrating to other places because of the different legal requirements to cross territorial borders.²³⁰

Citizenship as a legal status carries individual rights in a given polity.²³¹ Citizenship is a product claimed and acquired through long historical struggles and not a privilege. It is the product of struggles to be included in the governance process. Kymlicka considers citizenship as a political status²³² while Carens equates it to membership in a given community.²³³ Booth writing on membership and belonging asks where the liberal commitment on universalism and equality fits when treating people considered non-citizens.²³⁴ Many are the times when non-citizens are perceived as sources of injustice or violence than guests who hospitality is owed. Mhurchú notes that, the general inclusivist model of citizenship attempts but eventually fails to reconsider citizenship outside the debate on citizenship.²³⁵

²²⁸ ACHPR, 1981, Article 5

²²⁹ African Commission on Human and Peoples' Rights, *Resolution 234 on the Right to Nationality*, 53rd Ordinary Session, Banjul, the Gambia. (9- 23 April 2013)

²³⁰ Bauböck, "Citizenship and Migration- Concepts and Controversies" ...p. 17.

²³¹ David Lyon, *Identifying Citizens*, p. 41.

²³² Will Kymlicka and Wayne Norman, "The Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics*, Volume 104, No. 2 (1994), pp. 352-381.

²³³ Joseph H. Carens, "Aliens and Citizens: the Case of Open Borders," *The Review of Politics*, Volume 49. No. 2 (1987), pp. 251-273.

²³⁴ William James Booth, "Foreigners: Insiders, Outsiders and the Ethics of Membership," *The Review of Politics*, Vol. 59. No. 2 (1997), pp. 259-292.

²³⁵ Aoileann Ní Mhurchú, "Challenging the Citizenship Debate: Beyond State Sovereign Time and Space," in *Ambiguous Citizenship in an Age of Global Migration* (Edinburgh: Edinburgh University Press, 2014), p. 96.

When the Shona arrived in Kenya before independence in 1960, commonwealth citizenship was the mode of recognition in the United Kingdom (UK) and colonies. The Lancaster House Report on Land and Citizenship stated that:

Commonwealth citizenship meant that every person who was a citizen of any British colony would be given a priority to become a citizen of another colony over aliens (citizens of non-commonwealth countries). If a country which is a member of the Commonwealth had enacted its citizenship laws, persons who bore commonwealth citizenship would be given preference over aliens. Commonwealth citizenship and British subject meant the same thing.²³⁶

Nguabi remembers how they were welcomed and even met the first president of Kenya in 1964. He notes that:

During the days of Mzee Kenyatta nobody bothered us. We moved around, mingled with the others and nobody asked us where we were from. We were not even arrested by the police. We carried out our missionary work every day and enjoyed being in our promised land. Our woes began during President Moi's time. The death of President Kenyatta brought upon us untold suffering. We could be arrested and harassed every now and then because it was at the time the President was consolidating power and quelling anything considered dissent. People could not even gather in groups.²³⁷

In Africa, Commonwealth citizenship applied to countries such as the Southern Rhodesia, Nyasaland, Uganda, Zanzibar, Tanganyika, Federation of Nigeria, Ghana and Sierra Leone.²³⁸ Those born outside Kenya and whose father was a Kenyan or a British protected person qualified to be Kenyan citizens.²³⁹ Women married to Kenyan citizens and persons under 21 years of age would be citizens if they applied and be granted citizenship by an Act of Parliament.²⁴⁰ Apart from Commonwealth citizenship, the Constitution also granted citizenship to citizens of African countries that allowed Kenyan citizens to be their citizens.²⁴¹ Citizenship by naturalization required the person applying to be 21 years and above, a resident in Kenya for a continuous period of 4-7 years and twelve months prior to the application. Good character, adequate knowledge of Swahili

²³⁶ Kenya Constitutional Conference, Lancaster House, 1962. Committee on Land and Citizenship, March 7-15 MAC/KEN/46/7 p. 2-4 and The British Nationality Act, 1948, 1(2).

²³⁷ Oral Interview, Mofat Nguabi, Kinoo, Kiambu, 31st July, 2018.

²³⁸ The Constitution of Kenya 1963. Article 9(3)

²³⁹ Ibid. Article 1(2)

²⁴⁰ Ibid. Article 3.

²⁴¹ Ibid. Article 6(3)

language and surety that one will continue to reside in Kenya.²⁴² The Shona, predominantly from Zimbabwe could have been Kenyan citizens for the reason that Zimbabwe was colonized by the United Kingdom and her citizens were Commonwealth citizens. However, that was not the case. The Shona in Kenya at the time but they did not apply for Kenyan citizenship at that time.

Upon the attainment of independence in 1963, the Constitution clearly stated that a Kenyan citizen is: “Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom (UK) and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963.”²⁴³ The Constitution provided for citizenship by naturalization for citizens of the UK and colonies and those of the republic of Ireland based on the British Nationality Act of 1948.²⁴⁴ The Act created the status of the UK and its’ colonies and granted the Commonwealth member states the right to legislate their own citizenship laws. It also provided for citizenship to be by birth, descent, naturalization, registration and incorporation of territory.²⁴⁵ The Kenyan state, legislated laws in accordance with the British nationality Act.

The Shona in Kenya having come from Zimbabwe as indicated by the data collected from the field have a historical connection by virtue of being British colonies. Similarly, it did not allow dual citizenship for any Kenyan. In 1989, citizenship was only given to those born of Kenyan parents. The screening and vetting of members of certain ethnic groups was intensified, for instance the Galjaeel; a sub-clan of the Somali in Kenya.²⁴⁶ The Galjaeel were denationalized by President Moi’s government when it was determined that a group of young men from the clan attacked a District Commissioner’s office in northern Kenya. As a result, they were seen as a security threat. This warranted the screening and vetting to determine which clan of the Somali community a Kenyan-Somali comes from and if they can access citizenship registration in Kenya. A point to note is that the historical enmity between Kenya and Somalia dates back to the

²⁴² Ibid. Article 7 (a) – (f)

²⁴³ The Constitution of Kenya, 1963, Article 1 (1)

²⁴⁴ The British Nationality Act, 1948.

²⁴⁵ Ibid.

²⁴⁶ UNHCR, Protecting the Rights of Stateless Persons: A Personal Appeal from the UNHCR, p. 2. Available at <https://www.unhcr.org>, accessed on 20th September, 2018.

secessionist Shifta war (1963-1967) when ethnic Somalis in the Northern Frontier District fought to join the Greater Somalia.²⁴⁷

Contemporary patterns of immigration and the survival of the state breed vital questions about exclusion and membership. Questions of hospitality to strangers, economic gains and security concerns have determined how those considered strangers are treated. The foreigner considered an entrant means the insiders ‘them’ that walk within the boundaries of a given territory hold the power to distribute membership on their terms. Membership distribution set people apart and gives them an answer to the question ‘who am I?’ during interactions in the public sphere and participation in the political activities in a given country.²⁴⁸

On the other hand, the excludable aliens are not welcome to participate in the political affairs and are not entitled to the protection of the state. The exclusionary barriers of the state subject the excluded to discrimination in the social, economic, cultural and political life. Hence, the protection of the excluded streams from international human rights bodies and not the state and its governing institutions.²⁴⁹ Munaita asserts that, the role of international organizations such as the UN Refugee Agency in Kenya is to advocate for those without nationalities, support state departments responsible for issuance of identification documents such as birth certificates and IDs and monitor or observe the procedures used for identification in order to find durable solutions to ending exclusion.²⁵⁰ In accordance with the support given by UNHCR, the national registration bureau out to work towards registering persons without nationalities, issuing birth certificates which should be issued to every child wherever they are born and whether the parents have the required identification documents or not but this has not been the case for the Shona children in Kenya as this study found out. Kibunja, the area assistant chief in Kinoo sub-county office made it clear that he only registers a birth and give notification to the Shona in Kinoo but he is not allowed to give birth certificates to the Shona because they do not have Kenyan IDs. Thus, they are not Kenyans. He went on to say that he must get a presidential directive or communication from the head of the Department Immigration to do so.²⁵¹

²⁴⁷ Keren Weitzberg, “Rethinking the Shifta War Fifty Years after Independence: Myth, Memory, and Marginalization,” in *Kenya After 50* (Palgrave Macmillan, New York, 2016), pp. 65-81.

²⁴⁸ Booth, “Foreigners: Insiders, Outsiders and the Ethics of Membership,” pp. 259-292.

²⁴⁹ Mhurchú, “Challenging the Citizenship Debate,” p. 96.

²⁵⁰ Oral Interview, Wanja Munaita, UNHCR, Westlands, Nairobi. 20th September, 2018.

²⁵¹ Paul Karanja Kibunja, Oral Interview, Kinoo, Kiambu, 24th September, 2018.

Ndegwa posits that citizenship is knotted on identity, closure, and one's preference. It is a feeling of belonging and association to a community. It is a complex concept contested on various fronts; religion, ethnicity, race, region and so on.²⁵² Also, citizenship gives an individual the chance to participate in their community while exercising their rights under an obligation to carry out their duties in return.²⁵³ The duties must be undertaken in the interest of the polity.

The liberal tradition of citizenship expects the state to ensure protection to the individual who is the rights holder while the person pays taxes, gives legitimacy to the government of the day through the ballot and respects the rights and freedoms of others. Peled emphasizes that the nation-state is the embodiment of expressing and upholding citizenship.²⁵⁴ This therefore, affirms that it is the state that makes a person a citizen.

Ndegwa points out that citizenship in Kenya, like in most African countries is deeply rooted in ethnicity.²⁵⁵ The emergence of ethnic identity is saliently and in most part a consequence of colonial rule.²⁵⁶ Lentz and Sithole contend that this post-colonial dynamics of ethnic identity has been used by the elites to rally one's ethnic community and mobilize them for their political gain.²⁵⁷ Widlok contends that ethnicity and ethnic identity emerge as common concepts to humans.²⁵⁸ The two are often used by opposing ethnic fundamentalists when campaigning for nationhood or civic membership to highlight the difference between ethnic identity and other forms of identities.²⁵⁹ As a result, the majority ethnic communities often override the minorities. The post-colonial state grants national identity to those born within its borders or those naturalized within the same borders. However, the African context complicates the idea of citizenship. This is based on the premise that even those who claim to be indigenous came as immigrants. So, why do

²⁵² Stephen N. Ndegwa, "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics," *The American Political Science Review*, Vol. 91, No. 3 (1997), pp. 599-616.

²⁵³ *Ibid*, p. 604.

²⁵⁴ Yoav Peled, "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State," *American Political Science Review*, Vol. 86 (June, 1992), pp. 432-443.

²⁵⁵ Ndegwa. "Citizenship and Ethnicity," p. 602.

²⁵⁶ Peter P. Ekeh, "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History*, Vol. 17 (1975), pp. 91-112.

²⁵⁷ Carola Lentz, "'They Must be Daqaba First and Any Other Thing Second...' The Colonial and Post-Colonial Creation of Ethnic Identities in North-western Ghana," *African Studies*, Vol. 52, No. 2 (1994), pp. 57-91. And Masipula Sithole, "The Salience of Ethnicity in African Politics: the Case of Zimbabwe," *Journal of Asian and African Studies*, Vol. 20 (1985), pp. 181-191.

²⁵⁸ Thomas Widlok, "Ethnicity as Social Deixies," in *Ethnicity as a Political Resource*, ed. (University of Cologne Forum, Transcript Verlag, 2015), p. 85.

²⁵⁹ *Ibid*, p. 88.

the non-indigenous groups which came first discriminate those who arrived later on? A case in point is the Nubians of Kenya who had to wait for a hundred years to be recognized and access identity cards in Kenya.

The national identity claimed by an individual can only be corroborated municipally by the use of legal documents such as passports, identity cards and voting cards granted by state institutions. Thus, Fisher affirms that the determining factor of who is a citizen and who is not are the domestic laws of the state.²⁶⁰ On the contrary, ethnic identity is a social construct that requires no legal documentation to define who belongs and who does not. Ethnic identity markers such as naming, language or rituals like circumcision, is substantiated through an individual's participation in the affairs of the community. The experience of ethnicity is felt through a network of individuals and the institutions they put in place. Therefore, ethnic identity serves as a source of security in times of strife and negotiating gains. The hierarchy of attachment varies with the political temperatures in a given country at a given time and the interests of the community.

Ndegwa notes that in the Kenyan post-colonial state; socially enacted connections between ethnic identity, legitimacy and authority competes with legal status, membership, power and legitimacy of the nation-state.²⁶¹ The liberal citizenship between the individual and the nation-state comes second after ethnic identity whereby individuals pay allegiance to their ethnic communities first then to the state. This prompts Ndegwa to coin the form of citizenship in Kenya as a 'dual and competing ideology'.

The 'duality' of citizenship in the Kenyan nation-state is entrenched in the identification system whereby one must identify with the '42 famous' tribes²⁶² at the time of registration or face vigorous screening and vetting exercises in order to acquire the legal identity given by the state. The 'duality of citizenship' in Kenya manifests through liberal citizenship and civil republican citizenship. Wafula questions whether in the context of Kenya, one can claim nationhood or 'ethnhood' since the people identify more with their ethnic communities.²⁶³ Moyo adds that the easiest way for them to access Kenyan citizenship would be if the government recognized them

²⁶⁰ J. L. Fisher, "Decolonizing Settler Citizenship," in *Pioneers, Settlers, Aliens, Exiles: The Decolonization of White Identity in Zimbabwe* (Canberra: ANU Press, 2010), p. 105.

²⁶¹ Ndegwa. "Citizenship and Ethnicity," p. 602.

²⁶² Kenya National Population Census- Classification by Ethnic Communities, 1969.

²⁶³ Peter Wafula Wekesa, "Negotiating 'Kenyaness': The 'Debates,'" in *(Re)membering Kenya*, eds. Mbugua w-Mungai and George Gona, Vol. 1 (Nairobi: Twaweza Communications Ltd, 2010), p. 54.

first as a Shona-Kenyan community, make them another tribe just as it was done for the Indians and the Makonde. Through this, they will be able to not just feel Kenyan but also access all services just like other citizens do.²⁶⁴

Arguing that citizenship is never fixed, Ndegwa notes that the process of becoming a citizen is frequently and simultaneously revised, contested on various fronts and under transformation due to the changing patterns within states and the global community.²⁶⁵ The Kenyan nation-state retained the colonial legacy of recognition, membership and belonging which shifted privilege from the society and bestowed it on the state. This privilege is manifested in the way citizenship is granted to the persons considered as insiders by the state.

The post-colonial African state opposes the rights claimed or acquired by the society through the historical struggles and becomes the sole giver of rights. Signaling the transfer of civil liberties from the colonial ruling class to the elites that inherited the state rather than the general population.²⁶⁶ Therefore, these aspects of citizenship bequeathed can be withdrawn or used to coerce the rest of the population to yield to the demands of the ruling elite. Especially in circumstances where there are divisions due to ethnicity, unfulfilled promises by the government of the day, class, race, economic and social development and situations of foreign dynamics.

Kenya inherited the common law heritage of Britain and modelled her bill of rights after her colonial master. The citizenship regime in post-colonial Kenya borrowed heavily from the British political tradition which had no historical link with the Kenyan people. The liberal tradition adopted in Kenya as it was used in Britain assumed that Kenya was a single political community. The reality of numerous cultural identities in Kenya contradicts nationhood and differentiates the state from the community.

Kanyinga and Katumanga assert that common identity, protection and rights are the trademark of citizenship.²⁶⁷ The group and individual rights can only be protected and promoted

²⁶⁴ Alfred Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

²⁶⁵ Stephen N. Ndegwa, "Citizenship amid Economic and Political Change in Kenya," *Africa Today*, Vol. 45. No. 3 (1998), pp. 351-367.

²⁶⁶ Thomas H. Marshall, *Class, Citizenship and Social Development: Essays*, (Garden City, New York: Doubleday and Company, 1964), p. 82.

²⁶⁷ Karuti Kanyinga and Musambayi Katumanga, "Citizenship and Rights: The Failures of the Post-colonial State in Africa," *African Development*, Vol. 28. No. 1 and 2, Special Issue on "Globalization and Citizenship in Africa," (2003), pp. 153-172.

by the state because it is the only agent with powers to do so. The liberal focus on rights give citizenship a political-legal status.²⁶⁸ This accords individual's equal treatment in the public realm thus guarantee social justice by giving the individual rights that ensure equality. However, this is not usually the case. The Kenyan system of citizenship is equal in theory. Inequality that was manifested during the years of the British colonists still live on. Inequality is witnessed by those in north-eastern part of Kenya and other groups considered ethnic strangers and minority groups²⁶⁹ such as the Shona who have to undergo rigorous vetting exercises in order to acquire legal proof of being Kenyan.

Social citizenship as put by Kanyinga and Katumanga; binds the state, social groups and the individuals.²⁷⁰ The state has the duty to protect rights and ensure accountability to the society by upholding her people's access to social livelihoods. The individual enjoys the rights within their society without interfering with the rights of others. Theoretically, the bill of rights in the Constitution provides for equality and affirms that the 'We the people' hold the power²⁷¹ but in practice, state machinery run by the ruling elite hold the power to decide who belongs and who does not. The 'We' in the people is not reflected in the application of the law and state resources.

Resounding the perspectives of Ndegwa noted above, Kanyinga and Katumanga observe that citizenship in the post-colonial African state is composed of diverse identities which in turn create competing citizenships.²⁷² Moreover, the borders of the nation-states are porous diluting the identity of those who live near them and the people hardly realize this. The people that cross them legally or illegally can easily integrate within the population provided they are of African descent and the institutions of the state may not be aware.

Whereas national identity is uniform and equal at least as per the ideals of the liberal tradition, the 'duality of citizenship' shifts the focus from the state as the only level of analyzing citizenship and rests it on the ethnic communities. People are first loyal to their ethnic group, commonly known as the 'tribe' then to the state. Mhurchú agrees that citizenship described in a

²⁶⁸ Ibid, p. 157.

²⁶⁹ KNCHR, *Foreigners at Home: The Dilemma of Citizenship in Northern Kenya*

²⁷⁰ Kanyinga and Katumanga, "Citizenship and Rights" p. 157.

²⁷¹ Constitution of Kenya, 2010, Preamble.

²⁷² Ibid, p. 158.

dualistic gap and linear progressive time complicates the idea of citizenship.²⁷³ It comes with its own forms and determinants.

The presence of diverse ethno-cultural communities brings in civic republicanism citizenship whereby individuals identify first with their community then liberal citizenship which is given by the state as a legal status. The hierarchy of allegiance keeps shifting depending on the circumstances in the state. If a community is being targeted or discriminated in the use of national resources then the people from that particular community will invoke the name of their community first. Moyo says:

I'm Shona first but I feel Kenyan. Shona is just a name though and if we could aim to end tribalism in Kenya then we will be in a very peaceful country.²⁷⁴

In this way, people pay allegiance to their ethnic group and expect nothing from the group but when they pay allegiance to the state then their rights have to be ensured. Hence, citizenship is a conflict in itself as a term and as a process. Clarke and others equate it to an idea, a keyword that embodies the imagination of collectivities and which can bring them into being.²⁷⁵

The African post-colonial state, Kenya included regard as 'outsiders' the citizens whose groups fall out of the power elites. Their inclusion in governance and enjoyment of citizenship and its benefits is a constant struggle. In such cases, duality offers them a chance with their ethnic groups in which they are identified and belong. Ifidon notes that their communities are their heritage. It is what they hold on to when all hope they had on the state fails.²⁷⁶ This makes the citizens either citizens minus duties or without rights. Therefore, ethnic citizenship which gives the people an illusion that they belong undermines the liberal form of citizenship which emphasizes the enjoyment of basic individual rights and responsibilities that the ethnic group cannot guarantee.

In the case of the Shona in Kenya whose motherland lies in southern Africa and find themselves identifying as Kenyans in East Africa, the legal citizenship given on the basis of ethnicity in Kenya leaves them out of the bracket of *indigenes* in Kenya. Fifty six respondents of

²⁷³ Mhurchú, "Challenging the Citizenship Debate," p. 164.

²⁷⁴ Alfred Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

²⁷⁵ John Clarke, Kathleen Coll, Evelina Dagnino and Catherine Neveu, "Imagining the 'Communities' of Citizenship," in *Disputing Citizenship* (University of Bristol: Polity Press, 2014), p. 107.

²⁷⁶ Ehimika Ifidon, "Citizenship, Statehood and the Problem of Democracy in Nigeria," *African Development*, Vol. XXI, No. 4 (1996), pp. 93-107.

the seventy two interviewed during fieldwork exercise noted that they also want to be recognized. First, as an ethnic community in Kenya which will allow them to access registration services and acquire IDs and birth certificates for their children at birth and the other documents crucial for citizenship and identity in Kenya. The same is maintained by a UNHCR protection officer on Statelessness, Munaita who says the recognition of the Shona as a Kenyan ethnic community will affirm their feeling of belonging in Kenya and give them access to the rights other Kenyan citizens enjoy. The rights that citizenship as a legal identity embodies.²⁷⁷

The Shona question in Kenya is one of identity. They identify as Shona first then Kenyan. Ultimately, they identify themselves as Kenyan citizens by birth. Erickson notes that, it is the identity that connects the individual to the group.²⁷⁸ Shils idea that identity is based on the ‘givens’ of life such as kinship, ethnicity, civil ties among others²⁷⁹ ties an individual to the source of their identity. However, these ‘givens of life’ are not in their natural state, they are constructions that can be replaced.²⁸⁰ The Kenyan domestic laws on citizenship have thus created a structure of institutionalization of rights and ethnic entitlements which results in a differentiated and unequal citizenship.²⁸¹ The product of such laws can be said to be evident in the case of the Shona in Kenya who identify as citizens of a state which does not recognize them.

3.2 The Kenyan Identification Regime

Caplan and Torpey note that identification regimes have the attributes of liberation and subjugation.²⁸² Today, every society, nation and country have their way of distinguishing between strangers and those who belong. Liberal democratic societies peg their identity regimes on the tenets of the liberal conception of identification manifested through the use of identity cards. Caplan calls them ‘tokens of identification’.²⁸³ These tokens act as a form of recognition and

²⁷⁷ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

²⁷⁸ Erikson H. Erik, *Identity, Youth and Crisis*, p. 22.

²⁷⁹ Edward Shils, “Primordial, Personal, Sacred and Civil Ties,” pp. 130-145.

²⁸⁰ Yeros Paris, ed., *Ethnicity and Nationalism in Africa*, pp. 1-15.

²⁸¹ Jonathan Y. Okamura, “Situational Ethnicity,” pp. 452-465.

²⁸² Jane Caplan and John Torpey, *Documenting Individual Identity*, eds. (Princeton and Oxford: Princeton University Press, 2001), p. 5.

²⁸³ *Ibid*, 50.

representation of a legal identity. The tokens also accord the bearer the right to citizenship rights and its benefits.²⁸⁴

Lyon and Benett point out that the citizenship benefits of access to political, social and economic goods become a preserve of the one who holds a legal identity in the form of an identity card. The holder also gets to participate in the public affairs of the state.²⁸⁵ This brings out the emancipatory features of an identification regime. On the contrary, Piazza and Laniel call attention to the suppressive and exploitative aspects of identification regimes.²⁸⁶ The two note that, the main reason of putting in place an identification regime is to control a given population and ensure the survival of a polity by enhancing its security. Especially in times of war or unrest during which the state regards to separate the uninvited and the invited persons in her territory.²⁸⁷ Time and again, the difference is always made between the citizens and the strangers. Through such a system, the use of identification cards prove to be a powerful system that excludes those considered as strangers and unwanted. Noiriél affirms that the categorization of individuals as either citizens, strangers or foreigners gives the state the power to create two communities: that of its own nationals and that of others.²⁸⁸ These are the insiders who belong and the outsiders²⁸⁹ who should only stay for a specified period of time.

The Kenyan identification regime likened to the other identification regimes of former British colonies borrows from the Afrikaners of South Africa. The British applied the method of identifying male native Afrikaners at the onset of the 19th century.²⁹⁰ Kenya's 'kipande' system enshrined in the Native Registration Ordinance of 1915 was the initial system of identification.

²⁸⁴ Ibid.

²⁸⁵ David Lyon and Colin J. Benett, "Playing the Identity Card: Understanding the Significance of Identity Card Systems," in *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*, eds, Colin J. Benett and David Lyon, (Abingdon and New York: Routledge, 2008b), pp. 10-12.

²⁸⁶ Pierre Piazza and Laurent Laniel, "The INES Biometric Card and the Politics of National Identity Assignment in France," in *Playing the Identity Card*, pp. 198-217.

²⁸⁷ Ibid.

²⁸⁸ Gerard Noiriél, "The Identification of the Citizens: The Birth of Republican Status in France," in *Documenting Individual Identity*, eds. Jane Caplan and John Torpey (Princeton and Oxford: Princeton University Press, 2001), pp. 28-47.

²⁸⁹ Taha Mehmood, "India's New ID Card: Fuzzy Logics, Double Meanings and Ethnic Ambiguities," in *Playing the Identity Card*, p. 122.

²⁹⁰ Timothy Longman, "Identity Cards, Ethnic Perception and Genocide in Rwanda," in *Documenting Individual Identity*, p. 347.

The *kipande*, was a copper chained metal container with registration papers inside worn around the neck. It was very unpopular among the Africans in Kenya.²⁹¹

The registration regime evolved through time. The 1947 Registration of Person Ordinance made it obligatory for Kenyan men across all ages to register themselves. Women were left out of the registration until 1978 when the Ordinance was amended into the Registration of Person's Act. Before 1978, Kenyan males held the District Commissioner's card (DC card) as proof of identity. Further, the age of registration was changed from 16 to 18 years in 1980 by another amendment of the Act.²⁹² The British had plans to control the work force in the coffee and tea plantations and the Ordinance ensured the control. Through this they were also able to control the movement of the people and could trace them whenever they wanted. Therefore, it was convenient for the British to use the *kipande* to pinpoint individuals and their native reserves and ensure their control under their native authority and ensure ethnic identity.²⁹³ The District Commissioner's card was used until 1995 when the first generation ID cards were introduced. A section of the Shona in Kenya held British passports held the District Commissioner's card until 2001 when the government of Kenya replaced them with Alien Cards and dependant passes for children in the case of migrants. Alien cards are effective until the second year after which they expire and need to be renewed. After 2006, some of the Shona in Kenya only have expired alien cards as proof of legal identity in Kenya.²⁹⁴ Muregerera reports that:

After 2006, renewing the alien card was a challenge for the Shona who held the alien cards. Our requests were denied based on the fact that they were no longer British citizens because our passports expired many years back. As a result, we became foreigners with no valid documentation to access registration services. When we asked why, there was no reply.²⁹⁵

State succession had rendered the Shona in Kenya non-Zimbabweans since they held the citizenship of Southern Rhodesia, which was succeeded by the state of Zimbabwe in 1980.

²⁹¹ Robert M. Maxon, *Struggle for Kenya: The Loss and Reassertion of Imperial Initiative, 1912-1923*, (New Jersey, Cranbury: Associated University Press, 1993), p.71, 85.

²⁹² Kenya National Commission on Human Rights (KNCHR), *An Identity Crisis, A Study on the Issuance of National Identity Cards in Kenya*, (Nairobi, 2007), p. 3.

²⁹³ *Ibid.*

²⁹⁴ Wanja Munaita, Oral Interview, UNHCR-Westland, Nairobi, 20th September, 2018.

²⁹⁵ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi. 18th July, 2018.

The Aliens Registration Act requires foreigners to register within ninety days of arrival in Kenya. Successful registration warrants one to provide a valid passport to show their nationality or an official document ascertaining their identity.²⁹⁶ Clearly, the decline to renew the alien cards by the Kenyan registration officials manifests discrimination. The application of the law does not match the letter of the law in the Aliens Registration Act. Hence, a conflict between the letter and the spirit of the law.

The Constitution of 2010 stipulates that:

Kenyan citizenship is acquired by birth or registration²⁹⁷ and retained by those who were citizens before the constitution came into force²⁹⁸ and it is not lost through marriage or dissolution of marriage.²⁹⁹ Citizenship by birth comes from one's parents, the mother or father has to be a Kenyan citizen when one is born in or outside Kenya³⁰⁰ and does not lose citizenship upon being a citizen of another country. Hence one is entitled to dual citizenship.³⁰¹

The Constitution also provides for citizenship by presumption foundings to children under eight years of age whose nationality of parents is unknown. On the other hand, citizenship by registration is acquired through marriage, lawful residence for at least seven years, and adoption for children adopted by a citizen. An Act of Parliament is needed to authorize citizens of other countries who wish to be Kenyans.³⁰² In addition, the Constitution of 2010 states that a person is a citizen by birth³⁰³ or registration if the person is married to a Kenyan, has a Kenyan parent or has lawfully resided in Kenya for a continuous period of time or at least for seven years.

These Constitutional provisions on citizenship notwithstanding, proof of entitlement to citizenship earns one an identification card (ID). The Kenyan ID card has evolved over the years. The first generation ID cards were issued until 1995 when they were replaced by the second generation IDs due to easy duplication of ID numbers, forgeries, unlawful registration of aliens, and theft. The government cited national security concerns after these observations.³⁰⁴ The second

²⁹⁶ Aliens Registration Act, 2010.

²⁹⁷ The Constitution of Kenya 2010, Article 13 (2)

²⁹⁸ Ibid. Article 13 (1)

²⁹⁹ Ibid. Article 13 (3)

³⁰⁰ Ibid. Article 14 (1)

³⁰¹ Ibid. Article 16.

³⁰² Ibid. Article 15.

³⁰³ Ibid. Article 14(1)

³⁰⁴ KNHCR, *Foreigners at Home: The Dilemma of Citizenship in Northern Kenya*, p. 3.

generation cards use modern finger print technology which to some extent has minimized theft of IDs.

The Kenyan law does not specifically identify the documentation that is key for one to prove their citizenship or entitlement to it at the time of registration. It is upon the Principal Registrar of Persons to determine that. The requirement of parents ID cards, death certificates or certificates of registration and naturalization for those who are citizens through such means is a way of proving citizenship. However, the registration officer still holds the power of discretion.³⁰⁵

The ID card which many people in the general population take as proof of citizenship is not featured anywhere in the Constitution, the Registration of Person's Act and the Kenya Citizenship Act as confirmation of citizenship.³⁰⁶ Citizenship is much more than an identity card³⁰⁷ However, those who operate without an ID in Kenya today find it difficult to access some services that are crucial in their everyday life. Moyo recounts what lacking an ID has put him through:

I had to let go of my job as a *matatu* tout because I could not manage to get a certificate of good conduct from the Department of Criminal Investigation. I previously worked as a posho mill attendant and in a hotel. I had to let go of these jobs too because no ID means no certificate of good conduct. Now I do my carpentry work but I cannot register my business or get an *Mpesa* till number so that my clients can pay using *Mpesa*. I do not bank my money because I have no documentation.³⁰⁸

An ID is a necessary requirement whenever a person wants to apply for a passport, enrolment in tertiary education institutions, registration of sim cards, finding employment, opening bank accounts or engaging in commercial activities. Applying for the National Hospital Insurance Fund (NHIF) membership, the National Social Security Fund (NSSF) membership card require an ID. Accessing some buildings in Nairobi town and elsewhere in Kenya, applying for a personal identification number (PIN), obtaining a certificate of good conduct from the Department of Criminal Investigation (DCI), accessing the ballot box, among others, all require an ID.

³⁰⁵ Ibid.

³⁰⁶ Kenya National Commission of Human Rights (KNCHR) and The United Nations High Commissioner for Refugees (UNHCR), *Out of the Shadows: Towards Ensuring the Rights of Stateless Persons and Persons at Risk of Statelessness in Kenya*, (Nairobi, July 2010), p. 14.

³⁰⁷ KNCHR, *Foreigners at Home*, p. 10.

³⁰⁸ Beevan Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

The process of acquiring an ID in Kenya can be a challenge for those deemed non-indigenous. The concept of indigeneity is contested. The UN Declaration on the Rights of Indigenous people defines them as a people whose ancestors must have lived in a given area before the formation of the modern state or settlement.³⁰⁹ The Shona in Kenya, having arrived in 1960 do not fall within this definition. In Kenya, those considered indigenous are the people who come from the '42' tribes. The others have to undergo vetting during the application process. Should one fail to convince the registration officer then they fail to get an ID. This exercise of determining who belongs and who qualifies for an ID based on indigeneity discriminates against those who under the law qualify to be granted ID cards. Michobo narrates how lucky he was to get an ID:

I got lucky but I had to take on a Kenyan name and become someone's child for a while to pass the vetting process. Because I was the school captain in my school in Meru I asked my friend if his parents would take me as their own. I learnt the history of their clan and took their family name and made it my middle name. Then someone 'organized' for me to get a birth certificate. On the material day I went in for vetting carrying my school leaving certificate, my new parents ID cards with copies and perfected my *kiMeru* accent and I passed the vetting process. A month later I got my ID. It feels good now that I'm through with my secondary school education. I hope to go further with my education but for now I need to work first and save money for that.³¹⁰

Michobo's account is just but one of the many ways the Shona have to device to survive as 'Kenyans'. Munaita, agrees that the Shona abandon their self and kinship to take on Kenyan legal identification in order to go on with their daily lives. However, such ways are illegal and can land a person into a lot of problems with the law. So, they are only taking their chances.³¹¹

In the case of those who are granted citizenship by registration, the ID can be revoked rendering citizenship by registration inferior compared to citizenship by birth. In turn, this creates a people Manby calls 'ethnic strangers'.³¹² Manby criticizes the identification regime in post-colonial African states terming them as repressive and discriminatory because they are based on ethnic identity.³¹³ The application requires one to indicate their district of origin and other particulars that show that you belong or that your parents are 'indigenous'.

³⁰⁹ UN Declaration on the Rights of Indigenous People, 2007.

³¹⁰ Johnson Michobo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

³¹¹ Wanja Munaita, Oral Interview, UNHCR, Westlands, Nairobi, 20th September, 2018.

³¹² Bronwen Manby, *Struggles for Citizenship in Africa*, p. 38.

³¹³ *Ibid.*

The promulgation of the Constitution of 2010 brought hope to Muregerera but that hope did not last. He says:

I quoted the provisions of the Constitution of 2010 when I was arguing my case and that of my community (the Shona in Kenya) before the immigration officials but they told me, that is not how the law works. We have to wait and hope that one day the Constitution will work in our favour. We have waited for far too long and we keep waiting. Hopefully we shall succeed.

Responding to whether the Shona in Kinoo are considered citizens, Kibunja; the area assistant chief says:

We know them as *Kinoo-erians* (the people of Kinoo). We have been living with them here since the early 1970s. They take part in community activities and whenever there is a problem the Shona elders and the Chief's office sit down to solve it so that we do not interfere with their culture. However, they cannot get jobs even in the sub-county office. They do not have Kenyan identification. Therefore, they are not citizens in Kenya. My office only records whenever there is birth from one of them even if they are married to a Kenyan but that is it. They do not get birth certificates or even death certificates. Until communication comes from the higher offices (the national bureau of registration, immigration and state house) then I cannot give them birth certificates and IDs because they do not have the necessary documents to get them.³¹⁴

Kinuthia, the *Nyumba Kumi* Initiative officer narrates what he has observed over the years:

Whenever one of them dies, they buy a space in the Kinoo Cemetery. I am in charge there. I have witnessed it. That is where they bury their dead. I have never heard that they take them to Zambia or Zimbabwe even though most people call them *Wazambia* (Zambians) here in Kinoo.³¹⁵

The Citizenship and Immigration Act 2011, limits citizenship by descent, dual citizenship for Kenyans who are citizens by birth and acquire citizenship of another country, citizenship by lawful residence attained at the age of majority and presumption foundings for children below the age of eight years.³¹⁶

The Act is the only legal framework that permits stateless persons and migrants together with their descendants living in Kenya to register and apply for citizenship. It requires that the applicants must have lived in Kenya since 12th December 1963 or came before the said date and

³¹⁴ Paul Karanja Kubunja, Oral Interview, Kinoo, Kiambu, 24th September, 2018.

³¹⁵ Anthony Kinuthia, Oral Interview, Kinoo, Kiambu. 24th September, 2018.

³¹⁶ Ibid.

do not possess enforceable claim to be citizens of any recognized country. Adequate knowledge of a local dialect and Kiswahili language, no criminal record or a jail term less than three years; intent to live in Kenya permanently or maintain a continuous and close attachment with the country and also an understanding of the rights and duties of a citizen are among the requirements for migrants and stateless persons to acquire a legal status as citizens in Kenya.³¹⁷

The descendants of stateless persons and migrants must be 18 years, born and has been living in Kenya since birth with no legal identity documents such as passports or identity card of any country and can prove that their parents are migrants or stateless persons. In addition, they must understand the rights and duties of a citizen, have a good command of Kiswahili language or a local dialect and must not have been convicted and jailed for more than three years.³¹⁸ Application for citizenship must be made within five years of the Act coming into force plus three years after.

The Act was amended in 2015 to include citizenship for adopted children by Kenyan citizens and dependents of a biological parent or a Kenyan citizen by registration. To register and apply for citizenship, the guardians of dependents must prove that they possess documents of Kenyan citizenship, provide birth certificate of the child or the person living with disability and give proof of residence in Kenya.³¹⁹

The Act only allows those who can prove that they have been living in Kenya since December 1963. The Shona in Kenya cannot prove that they have been living in Kenya using legal documents since that time even though they arrived earlier than the indicated date. This is supported by the results of the fieldwork. Muregerera says that his father and mother used a British passport to travel to Kenya in 1961. They surrendered the passports after independence and got alien booklets which they had to renew time and again. When they could not maintain the renewal, they moved around with no documentation and it has been like that since.³²⁰ This provision of the law locks the Shona out of legally resident community before December 1963. They do not have

³¹⁷ The Kenya Citizenship and Immigration Act, 2011, Article 15 and 16.

³¹⁸ Ibid. Article 17.

³¹⁹ The Kenya Citizenship and Immigration Act Amendment, 2015.

³²⁰ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2018.

an effective nationality in Kenya and cannot go back to Zimbabwe because they lack valid passports to travel and they feel that they belong in Kenya.

The Ambassador of Zimbabwe and the deputy had already been recalled by the new government of President Mnangangwa and the person in-charge who only identified herself as Rusela insisted that the Shona in Kenya are Zimbabweans.³²¹ The reality that the Shona can be found in over five different countries in Southern Africa complicates this statement.

3.3 The Identification Card and Benefits of Citizenship

The system of identification in Kenya based on the identity card acts as a way to confer formal recognition hence membership to the Kenyan polity. The formal recognition means equal legal status as perceived by the advocates of the Liberal tradition of citizenship. However, a deeper examination into the concept of citizenship proves that the possession of the card does not fulfil the attributes of full citizenship. Those who are able to get it feel like they are citizens. This is attributed to the fact that most participants in the study equate citizenship status to getting a national identity card.

The informants say that an ID is their lifeline - it gives a person access to the same rights as those recognized as Kenyan citizens. Getting it would make them feel like they belong and they are recognized by the Kenyan government. The ID offers a sense of belonging and a right to fight for the benefits that come with being a citizen. Ngoro insists that all he needs to reaffirm his Kenyan citizenship is an ID.³²² Nguabi laments on how he has never left Kenya to make their pilgrimages in Israel because of lack of the identity card which is used to acquire an international passport.³²³ “You cannot even collect a parcel from the post office, courier services or the bus companies without an ID,” says Akweywa.³²⁴ This denotes that the ID plays a crucial role in formal recognition and membership. Miring’u asserts that recognition by the Kenyan state and being registered makes him feel Kenyan and the ID card is his proof.³²⁵

³²¹ Rusela, Oral Interview, Embassy of the Republic of Zimbabwe in Kenya, Runda, 25th September, 2018.

³²² Mushawa Ngoro, Oral Interview, Kiambaa, Kiambu, 19th July, 2018.

³²³ Mofat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

³²⁴ Peter Akweywa, Oral Interview, Upper Hill, Nairobi. 13th July, 2018.

³²⁵ Gabriel Miring’u, Oral Interview, Kiambu Town, 13th July, 2018.

The Liberal conception of citizenship tenet of equality is embedded in the ID cards as a form of equal recognition and fundamental manifestation of citizenship. Theoretically, they are evidence of equality and membership with the key purpose of safeguarding individual rights. Given that the ID looks the same for every person, they portray uniformity and a sense of equality for the individuals and their rights as propagated by the Liberal thought of citizenship.

Sing'oei disagrees with the equality and uniformness. He contends that even some groups recognized by the government of Kenya, a case in point, the Nubians are still grouped as others in national population census.³²⁶ This depicts the double standard of recognition that comes with recognition for minority ethnic groups. A group is recognized but not included. In such cases, where does the unrecognized and the excluded fall? Exclusion denies the Nubians and other groups the full access to various rights, resources and opportunities as Kenyans.

3.4 The Shortcomings of the Kenyan Identification Regime

Deeply rooted in the Liberal tradition of citizenship where the state should ensure the protection and the rights of an individual, equal and legal status, the regime has discriminated the Shona in Kenya and other minority groups. The Shona people are advocating for a collective recognition like the one granted to the Nubians, the Makonde and the Asians while the Liberal school does not advocate for collective rights. It is based on individualism and the relationship of the individual with the state whereby the individual gives the state legitimacy and in return, the state offers protection of the rights of the individual.³²⁷ What legitimacy do the Shona in Kenya have to offer?

Stewart criticizes liberal citizenship as a 'thin' concept of citizenship. It is thin in the sense that one's access to individual rights is dependent on possession of citizenship as a legal status.³²⁸ This state-centred citizenship can be withdrawn or denied by the state rendering an individual stateless. It is this 'thin' concept of citizenship that perhaps empowers the Kenyan state to withhold

³²⁶ Abraham Korir Sing'Oei, "Promoting Citizenship in Kenya: the Nubian Case," in *Statelessness and the Benefits of Citizenship: A Comparative Study*, eds. Brad K. Blitz and Maureen Lynch (Geneva: Oxford Brooks University, 2009), p. 42.

³²⁷ Engin F. Isin and Bryan S. Turner, "Investigating Citizenship: An Agenda for Citizenship Studies," *Citizenship Studies*, Vol. 11. No. 1 (2007), pp. 5-17.

³²⁸ Angus Stewart, "Two Conceptions of Citizenship," *British Journal of Sociology* Vol. 46. No. 1 (1995), pp. 63-78.

citizenship form the Shona in Kenya. Oldfield adds that this form of citizenship is an essentially exclusive idea based on individualistic rights and responsibilities.³²⁹

The Liberal tradition does not dwell on differences such as ethnicity, gender or race in the state thus, advocates for equality, uniformity in identification and universalization in the public realm. This is fundamental in diverse communities.³³⁰ However, individuals must not interfere with the freedom and equality of others and their private lives. The Kenyan identification regime, though a liberal concept on the outside insists on identifying people along ethnic lines- one's ethnic community must be indicated or marked with a code when applying for a legal status. This subjects individuals to discrimination especially those considered non-indigenous. Have they not met the requirements to be considered citizens in Kenya? This practice goes against the liberal idea of universalization since it is discriminatory.

Ghai posits that the Constitution provides for equality that all citizens must have the same rights but the state through formal institutions inclines towards curtailing these rights thus increasing inequalities in the society.³³¹ The screening and vetting exercises for those who come from bordering counties and the communities considered non-indigenous have the daunting task of proving their belonging-ness to the Kenyan state.

Despite the liberal ideals in the Kenyan identification regime, the advocates of Liberal citizenship fail to put into account that Kenya is a diverse society- not a typical liberal state with homogenous culture and people. Another aspect of the regime is that it was inherited by the post-colonial state which during the colonial rule was governed by the British policy of divide and rule. These reasons undermine the equality, uniformity and universalization in the granting of individual rights on which Liberal advocates of citizenship anchor their beliefs. The Shona are advocating for collective recognition while the Liberal tradition does not account for collective rights.

³²⁹ Adrian Oldfield, "Citizenship: An Unnatural Practice," *Political Quarterly* Vol. 61. No. 9 (1990), pp. 177-187.

³³⁰ Marion Iris Young, "Polity and Group Difference: A Critique of the Ideal Citizenship," *Ethics*. Vol. 99. No. 2 (1989), pp. 250-274.

³³¹ Yash Pal Ghai, "Ethnicity, Nationhood and Pluralism: 2010 Constitution," in *Ethnicity, Nationhood and Pluralism: Kenyan Perspectives*, eds. Yash Pal Ghai and Jill Cottrell Ghai (Ottawa: Global Centre for Pluralism, 2013), p. 91.

3.5 The ‘Othering’ in the Kenyan Population Census

Kertzer and Arel argue that conducting a census is a way of consolidating and classifying a group of people or citizens based on the parameters of ethnicity, religion, race and language. This can be done by naming and coding or not naming at all.³³² The practice depends on the regulations of the institutions concerned. In the Kenyan census, the population is categorized on ethnicity, district of origin among other factors.³³³ This method of counting is in contrary to the liberal tradition which is blind to differences and does not advocate for divisions in any way based on the differences.

A population census exercise often brings many agents into play. Overall agents which in most cases is the state in a national population census holds the power to include and exclude individuals or communities based on the formula of naming and categorizing.³³⁴ The practice of compartmentalizing whole communities, specific areas and /or individuals creates a social reality which if not checked can be used as a tool of discrimination.

The Kenyan population census from 1962 which was the last exercise conducted by the British colonial government made a striking distinction of the Kenyan communities indicating that Kenya was at the time made up of 40 ethnic communities (famously called tribes) plus two groups of the Somali.³³⁵ The categorization of the Kenyan state into 42 tribes has no origin in any legislative or constitutional provision. The 1979 census counted 38 tribes because the Kalenjin sub-groups were merged into one to make the Kalenjin community and the Abasuba were separated from the Luo and the El Molo were added as a tribe. The classification for indigenous African groups was done on the basis of geographical location, ethnic and linguistic characteristics.³³⁶ The 1989 exercise counted 40 tribes.³³⁷

³³² David I. Kertzer and Dominigue Arel, “Censuses, Identity Information and the Struggle for Political Power,” in *Census and Identity: the Politics of Race, Ethnicity and Language in National Censuses*, ed. K.M Dowley (Cambridge and New York: Cambridge University Press, 2002), p. 36.

³³³ The 2009 Kenya Population and Housing Census: Population and Household Distribution by Socio-economic Characteristics, Kenya National Bureau of Statistics Volume II, (August 2010), p. 398.

³³⁴ Kertzer and Arel. “Censuses, Identity Information and the Struggle for Political Power,” p. 36.

³³⁵ Samantha Balaton-Chrimes, *Ethnicity, Democracy and Citizenship in Africa: Political Marginalization of Kenya’s Nubians*, (London and New York: Routledge, Taylor and Francis Group, 2016), pp. 81-82.

³³⁶ Ibid.

³³⁷ Ibid.

Kymlicka³³⁸ and Geschiere³³⁹ note that in Africa, the history of international migration is complicated compared to Australia for instance where settlers are the majority. Therefore, using indigeneity to lay claim on identity based on the criterion of first occupation is a challenge. The trend to list Kenyan communities on the census register since 1962 has excluded other communities that have been living in Kenya. The Shona do not appear anywhere on the list of the 2009 census. Perhaps they fall under the “Others’ category³⁴⁰ while the Arabs, Americans, Australians and other Africans are identified. Katiba narrates:

They (Census people) came here in 2009 and told us they are counting people. They asked what fuel we use for cooking, the number of children, how far I have gone with my education and I told them I stopped going in standard six because my parents could not afford to keep me in school.³⁴¹

The “*Nipo! Natambulika!*”³⁴² slogan then was for those the Kenyan state chose to recognize. The exclusion illustrates the use of state power to either recognize or label a group or community as foreigners or outsiders regardless of their claim that they are Kenyans by birth and they meet the requirements to be recognized as citizens.

Kinyanjui points out that the ‘Othering’ of others through exclusionary policies if not checked can plunge the country into political chaos just like it was witnessed in the 2007-2008 post-election violence in Kenya.³⁴³ The ‘othering’ dehumanizes the communities ‘othered’ in the census exercise and distribution of national resources because it is not specific. It is not possible to tell the number of people counted and their way of life, who they are and what they do, what they contribute to the country or lack of it. The Shona in Kenya fall in the ‘Others’ since they do not appear in the Census register.

³³⁸ Will Kymlicka, “The Internationalization of Minority Rights,” *International Journal of Constitutional Law*, Vol. 6, No. 1 (2008), pp. 1-32.

³³⁹ Peter Geschiere, “Ecology, Belonging and Xenophobia: the 1994 Forest Law in Cameroon and the Issue of ‘Community’,” in *Rights and the Politics of Recognition in Africa*, eds. Harri Englund and Francis B. Nyamnjoh, (London and New York: Zed Books, 2004), p. 254.

³⁴⁰ The 2009 Kenya Population and Housing Census: Population and Household Distribution by Socio-economic Characteristics, Kenya National Bureau of Statistics Volume II, (August 2010), p. 398.

³⁴¹ Edna Ramson-Katiba, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

³⁴² *Nipo!* and *Natambulika!* are Swahili words translated to I’m present! I’m recognized! In the English language.

³⁴³ Felistus Kinyanjui, “Citizenship and Nationhood in Post-Independent Kenya,” in *(Re)membering Kenya: Interrogating Marginalization and Governance*, eds. George Gona and Mbugua wa-Mungai, Vol II (Nairobi: Twaweza Communications Ltd, 2013), pp. 114-131.

3.6 *Jus soli* and *Jus sanguinis* Citizenship in Kenya

Jus soli citizenship is acquired by place of birth while *Jus sanguinis* is through parents hence by blood. Kenyan citizenship is *jus sanguinis* compared to United States of America's *jus soli*. Whoever is born on American soil and is under her jurisdiction becomes a citizen automatically. In the case of Kenya, an individual's parent or parents have to be Kenyan citizens for one to be granted citizenship. The citizenship provisions under Chapter 3 of the Constitution of Kenya 2010 allows for citizenship by registration or by birth. The Constitution also allows for dual citizenship, citizenship by marriage, adoption and naturalization which comes after a person has lived in Kenya for a period of at least seven years.

Hierarchically, Chapter 3 of the Constitution of 2010 gives precedence to citizenship by birth³⁴⁴ over citizenship by registration.³⁴⁵ Regardless of the fact that the Constitution ranks first citizenship by birth, the system of granting citizenship based on it proves otherwise. Citizenship by registration is granted upon successful application and an individual is given a registration certificate to be used as proof of citizenship. On the contrary, citizenship by birth requires an individual to ascertain their claim. One has to produce the documents of parents- ID cards or death certificates, baptismal cards, death certificates, school leaving certificate, birth certificate which is not also given immediately after birth as evidence that they are indeed citizens. Katiba laments:

I do not know what I will do when my daughter gets to class eight. She does not have a birth certificate and I do not think her school will allow her to register for the Kenya Certificate of Primary Education (KCPE) exams. She only has two years to go. All this is because I cannot prove that I am a Kenyan because I do not have an ID. I hope they recognize us soon so that our children do not have to suffer and miss out on school and other opportunities.³⁴⁶

In some cases, those who come from border counties are sent back to their villages to get a letter from their area chief as proof that their parents come from those areas. Should it be that the chief do not recognize you or your parents then, one can miss out on getting the much needed proof.

³⁴⁴ Constitution of Kenya 2010. Article 14.

³⁴⁵ Ibid. Article 15.

³⁴⁶ Edna Ramson-Katiba, Kinoo, Oral Interview, Kiambu, 31st July, 2018.

The challenge posed by the provision of citizenship by birth to ethnic groups in Kenya which do not fall within the '42 tribes' bracket is that they bear the burden of proof whenever they claim *jus soli* citizenship. Children born to parents of stateless communities qualify to get a birth certificate six months after birth with additional documents to prove membership to the Kenyan state. In the end, the late registration of births remain non-beneficial even with the requirement of the Convention on the Rights of the Child 1989 for state parties to accord the rights in the Convention without any discrimination. Whether their parents or legal guardians are of different races, colour, religion, ethnic, social, nationality, birth or any other status.³⁴⁷ Kenya is a ratified party to the Convention on the Rights of the Child. Ramson says:

I have a six-year old son and he does not have a birth certificate. He has never been registered. I gave birth to him in a hospital but since they (hospital staff) know that people like me do not have an ID they just let me go. I was born here in Kinoo but I have never bothered to look for an ID because some of my people who have tried always come back with disappointing stories of how they were asked a lot of questions that they could not answer. I will be happy to get one someday.³⁴⁸

Ramson's account depicts a system of law whereby what the law says is not how it is applied.³⁴⁹ The letter of the law is in conflict with the spirit hence the exclusion of those who the law is supposed to protect. Where does the change in application come from? Apart from the national ID card which is the primary document that proves nationality in Kenya for persons 18 years and above, passports, membership cards for the National Social Security Fund, National Hospital Insurance Fund, political party membership cards, birth certificates, marriage certificates, and registration certificates can act as proof of citizenship. There is no single document indicated in the constitution to signify citizenship in Kenya. The documents commonly used are the ID card and the national passport.

Notably, the application of *jus soli* and *jus sanguinis* principles of citizenship can be a deceptive undertaking. Some states combine the two in cases where by nationals are born abroad and foreigners born within the state. These principles apply when citizenship is transmitted from the first generation to the second and later subsequent generations. The first generation acquires citizenship by naturalization but they have to meet certain requirements. This has been the bone of

³⁴⁷ Convention on the Rights of the Child, 1989. Article 2.

³⁴⁸ Ziporrah Ramson, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

³⁴⁹ Ibid.

contention for the Shona under the Citizenship and Migration Act of 2011. They cannot legally prove their arrival in Kenya before December 1963 hence, they cannot be naturalized.

3.7 Collective Identity vs Individual Identity

The liberal idea of the state recognizing her citizens and giving them residence identification contradicts individual identity and collective identity which is the first criteria used by most post-colonial states in Africa. The liberals do not advocate for collective identity but individual identity. This system of identification perpetuates discrimination of minority groups and the groups considered non-indigenous in regard to the policies put in place by a country to identify her citizens.

While religion plays a role in identification regimes in some parts of the world, for instance Europe, Geschiere notes that in the African context long after the colonial flags went down and countries gained their independence, autochthony is a factor that cannot be dismissed.³⁵⁰ Singling out Ivory Coast, the Democratic Republic of the Congo (DRC), Cameroon and South Africa, Geschiere points out the constant struggle of identity and belonging some communities not considered indigenous have. In the Ivory Coast, the southerners who are of the ‘Burkinabe’ origin are not considered the ‘true Ivories’ of the country. Through government policies, the Gbagbo regime instigated social unrest and the First Ivorian Civil War in 2002 against those who perceived themselves as the autochthons of the Ivorian soil, the people of the north against the southerners. In the DRC, the Banyamulenge face the same challenges as the *Makwerekwere* in South Africa and the Sawa people in Cameroon.

Mamdani points out that ethnicity and race are the main factors for identification in Africa. These two factors define descent and ancestry³⁵¹ which though not explicitly entrenched into law, is coded especially during population census. Every tribe must be identified with a certain code for recognition and those without codes or the ones of non-indigenous ethnicity get no recognition.

The case of the Shona in Kenya is one which according to Manby’s view that, recognition in the African context is based on the rationale that ‘I was here first’ complicates the narrative of individual identity. Ncube is only asking for one thing from the Kenyan government: “all we need

³⁵⁰ Geschiere, *The Perils of Belonging*, p. 66-96.

³⁵¹ Mamdani, “Beyond Native and Settler as Political Identities,” pp. 651-664.

is recognition as a community in Kenya just like the Makonde and the Indians then we will be ok.”³⁵² The Makonde and the Indians were formerly recognized by President Uhuru Kenyatta in 2016 and 2017 respectively also as tribes in Kenya. Maposa says that she has lived in Kenya for the last fifty six years and Kenya is where she knows is her home. She does not recognize any other place or country as her home.³⁵³

Kisame notes that, this precedent set by the President inspired the Shona to advocate for a collective recognition which will in turn give them the access to individual identity as everyone else who bears the Kenyan identity.³⁵⁴ He adds that it is only by history and customary law that a tribe in Kenya is able to prove that they belong.³⁵⁵ The study contends that history of Kenya, as noted in chapter two of the study indicates that everyone else- the language groups in Kenya: the Bantus, Cushites and the Nilotes also came. Therefore, the belonging and collective recognition accorded to the major tribes in Kenya and the exclusion of the ones claiming to belong is a challenge for those seeking to understand the criteria of exclusion in Kenya.

3.8 Refugee-hood and the Shona in Kenya

A refugee is a person facing harm due to the inability of his/her state to protect him/her or the state harms him/her willfully. Refugees cross international borders as a result of well-founded fear of persecution by their state for reasons of holding a differing political opinion, practicing their religion, are of a different race or hold membership of certain social groups.³⁵⁶ For them to be considered vulnerable outside their country of nationality, they must meet a certain criteria. If they do not cross an international border then, they become internally displaced persons (IDPs). This chapter attempts to establish the ‘well-founded fear’ in the case of the Shona in Kenya. In addition, the chapter also looks into the OAU criteria of defining refugees in their case.

Refugees are created as a result of forced displacement. The displacement occurs mostly because of civil conflicts, war and prolonged economic and social deprivation spilling across international borders. Schultheis notes that countries define refugees within the context of their national interests disregarding the people concerned and in need of humanitarian assistance

³⁵² Juan Ncube, Kinoo, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 30th July, 2018.

³⁵³ Margaret Maposa, Oral Interview, Kiambaa, Kiambu, 20th July, 2018.

³⁵⁴ Charles Kisame, Oral Interview, Nairobi, 15th September, 2018.

³⁵⁵ Ibid.

³⁵⁶ Convention Relating to the Status of Refugees 1951. Article 1 A (2)

making refugees political pawns.³⁵⁷ This definition emanates from governments with wishes to negate the responsibilities that come with a refugee status which is conferred with legal rights. Therefore, the politics of designating a person as a refugee becomes a complex practice left for other organizations such as the UN Refugee Agency- Office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR offers the most widely accepted terminology on refugees. It is the UN programme with the mandate to protect and assist refugees, displaced communities, and stateless persons.

Critics cite the limitations of the UNHCR definition as inadequate. The subjective element of the ‘well-founded fear of persecution’ is difficult to establish and the phrase ‘outside the country of their nationality’ too euro-centric in the refugee problem in the world today. At the time of its framing, the Convention Relating to the Status of Refugees 1951 considered the relatively stable and distinct problem of crossing borders due to the event of the Second World War. The Convention did not accommodate those fleeing their country out of fear of civil war which has created a large number of refugees across the world.

In the African context, the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa 1969, appended other circumstances that makes one a refugee to include: external aggression, foreign domination, occupation and events that seriously disturb public order forcing a person to seek refuge outside their country of nationality. The Shona in Kenya migrated for religious reasons, some of them claim they were fleeing colonial oppression under the British government in Southern Rhodesia. Nguabi recounts:

When we got the news that Kenya was to become independent in 1963, the Shona missionaries left Southern Rhodesia and moved north and established our evangelical headquarters as prophesied by our church founder. The independence in Kenya ensured that they practiced our religious activities without intimidation or fear and it has been so since the missionaries arrived in Kenya in 1960.³⁵⁸

Shacknove contends that the determination of a refugee status often dismiss those affected by natural disasters such as famine, drought and floods. These disasters are dismissed since they are not political events but to some extent are caused by human activities.³⁵⁹ The dominant

³⁵⁷ Michael J. Schultheis, “Refugees in Africa: the Geopolitics of Forced Displacement,” *African Studies Review*, Vol. 32. No. 1. (1989), pp. 3-29.

³⁵⁸ Mofat Nguabi, Oral Interview, Kinoo, 31st July, 2018.

³⁵⁹ Andrew E. Shacknove, “Who is a Refugee?” *Ethics* Vol. 95. No. 2 (1995), pp. 274-284.

perception of refugees depicts them as victims of wars, civil conflict and persecution in their home countries. This view creates humanitarian problems which need humanitarian response. Response to refugee crisis puts emphasis on the individual refugees and their rights in the host country.

Rutinwa argues that, in post-independent Africa; there were two main periods for refugee policies. The first era was marked by openness on both sides- the receiving governments and the host societies. This earned the era the 'golden age' of asylum in Africa. Further, the refugee problem was defined liberally. Governments were committed to refugee protection, finding durable solutions and upholding the principle of *non-refoulement*. Generally, refugees' rights were respected. The second era was the opposite. The nature of asylum granted by receiving governments shifted. There were more restrictions and a less generous attitude towards the plight of refugees.³⁶⁰

Kenya was open and hospitable to those fleeing insecurity from their home countries especially the neighbouring countries- Somalia and the Sudan before the 1990s when the refugee flow was relatively low and manageable. The refugees could easily acquire the Kenyan identity card thereby have access to employment, health services and participate in commercial activities. The skilled refugees provided skilled labour.³⁶¹ Perhaps the Shona could have acquired citizenship at this point in time.

The dense refugee influx of the early 1990s made Kenya less receptive and restrictive in her refugee policies. The refugees came with economic, political, environmental and social problems. The refugees were labelled a security threat hence the need for ways to curb the problem which was threatening the survival of the Kenyan state. The government under President Daniel arap Moi at the time, responded by strict and harsh measures. Refugees could be denied asylum, detained and forcefully expelled. Moi and his government associated the refugees to terrorism, proliferation of light arms, light weapons and crime. Across the border, in Tanzania, the refugees were not spared. They had the same labels and restriction under President Benjamin Mkapa's government.

³⁶⁰ Bonaventure Rutinwa, "The End of Asylum? The Changing Nature of Refugee Policies in Africa," *Refugee Survey Quarterly*, Vol. 21. No. 1 and 2 (2002), pp. 12-41.

³⁶¹ Ibid.

Mogire points out that in 1991, Kenya had 15 000 refugees. The following year in 1992 the numbers soared to 427 000. As a result, this strained the infrastructure in the country and dwindled the proceeds from the tourism sector due to insecurity.³⁶² The categorization of refugees as a security threat adversely affected the refugee rights entrenched in the international legal instruments governing the refugee regime to which Kenya is a ratified signatory. Refugee rights such as the right to seek and enjoy asylum,³⁶³ *non-refoulement*,³⁶⁴ and freedom of movement,³⁶⁵ economic, social and cultural rights³⁶⁶ were not effectively enforced.

Betts notes that majority of African rural refugees who have integrated into the host-communities they live in have found ways to dodge UNHCR system hence are not included.³⁶⁷ This ‘spontaneous settlement’ which is assumed for ‘spontaneous integration’ within host communities can prove to be beneficial for some refugees while for others it can be detrimental than formal settlement. This is attributed to the fact that those under the protection of UNHCR have access to constant supply of humanitarian assistance but for the rural refugees’ assistance is negligible or nil. Spontaneous integration can be challenging where a refugee cannot make a living but can also lead to insecurity if there are constant clashes with the host-community. If they live well with their neighbours then they will live unnoticed and remain unseen unless they come out to be recognized. Cherera accounts that they have lived peacefully among Kenyan communities without major problems and continue to do so because they have become part and parcel of the society they live in.³⁶⁸

Refugee status determination (RSD) in Kenya is governed by the Refugee Act 2006 that came into force in November 2007. It was at this time that the Kenyan government first integrated the principle of *non-refoulement* into law. The Act gives the guidelines on how the determination is done. However, the exercise is conducted by the UN Refugee Agency on behalf of the government.³⁶⁹ In Kenya, refugee status determination broke down in 1991. The task was taken

³⁶² Edward Mogire, “Refugee Realities: Refugee Rights Versus State Security in Kenya and Tanzania,” *Transformation*, Vol. 26. No. 1 (2009), pp. 15-29.

³⁶³ UDHR, 1948. Article 14 (1).

³⁶⁴ Convention Relating to the Status of Refugees, 1951. Article 33.

³⁶⁵ *Ibid.* Article 26.

³⁶⁶ ICCPR, 1966 and CSECR, 1966.

³⁶⁷ Tristram F. Betts, “Rural Refugees in Africa,” *The International Migration Review-Refugees Today*, Vol. 15. No. 112, (1981), pp. 213-218.

³⁶⁸ Otitia Kenes Cherera, Oral Interview, Gospel of God Church, Hurligham Nairobi, 30th August, 2018.

³⁶⁹ Pavanello, Elhawary, and Pantuliano, *Hidden and Exposed: Urban refugees in Nairobi, Kenya*, p. 13.

up by UNHCR. The government argued that it could not hire more personnel to do the work and the number of refugees was swelling at an alarming rate.

The State Department for Immigration and Registration of Persons through its Department of Refugee Affairs (DRA) is mandated by the Refugee Act 2006 to coordinate the administration and management of refugee affairs in Kenya. A person needs to be declared as a refugee to exercise the rights stipulated in the refugee Convention. Munaita observes that, the Shona in Kenya are not refugees. They do not meet the requirements for one to be declared a refugee but they fall under the protection of UNHCR. If they had a refugee status as individuals, they would not be fighting for recognition.³⁷⁰ Katiba also says most of her neighbours call her a Shona not a refugee.³⁷¹ The field study found out that most people in Kinoo and Kiambaa call them *Wazambia* (Zambians) in reference to one of the countries in southern Africa where the Shona are also found.

The Department of Refugee Affairs provides services such as: maintenance of the documentation and registration of refugees, issuing identification passes and movement cards, coordinating humanitarian aid, recommending refugees for resettlement, addressing refugee complaints and promoting durable solutions for instance refugee integration in Kenya.

Refugee identification passes earns the refugees a movement pass which they can use outside the camps. UNHCR issues them with a Mandate Refugee Certificate when they get asylum. Some refugees are in possession of Alien Cards issued by the Kenyan Department of Immigration and Registration of Persons. Others lack these documents due to the long process of acquiring them, the cost of the process and others out of fear that they will be denied asylum. On the extreme, some refugees have resorted to illegal means to acquire the Kenyan identity card. They bribe to get the cards. This is seen amongst the refugees outside the camp.³⁷²

Verdirame points out that refugees in Nairobi face a number of human rights violations ranging from detention, harassment by security forces and lack of basic needs since they do not have access to the rations given by UNHCR in the camps in Kakuma and Daadab.³⁷³ This happens to a number of them, not all of them. Fielden advocates for local integration of refugees in cases

³⁷⁰ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

³⁷¹ Edna Ramson-Katiba, Oral interview, Kinoo, Kiambu, 31st July, 2018.

³⁷² Pavanello, Elhawary and Pantuliano, *Hidden and Exposed: Urban refugees in Nairobi, Kenya*, p. 17.

³⁷³ Verdirame, "Human Rights and Refugees: The Case of Kenya," pp. 54-77.

where resettlement or repatriation is not possible due to pro-longed conflict. However it is an under reported solution in the most cases in Africa, Americas, Europe and Central Asia.³⁷⁴

Freudenthaler identifies gaps between the situation of refugees in Kenya and their rights as provided in the international legal regime governing refugee affairs. The encampment policy hinders their freedom of movement and right to work.³⁷⁵ The confinement policy is further enforced by the UN Refugee Agency and other international organizations that provide humanitarian assistance to refugees. The organizations insist on giving relief to only the refugees that live in the camps. Hence, village refugees and the urban refugees are left out of the assistance and have to fend for themselves.

Mogire adds that the legal responses applied by Kenya is a clear manifestation of controlling refugees and not protecting their rights.³⁷⁶ In July 1999, Kenya closed the border with Somalia to prevent those fleeing armed conflict from getting into the country. In 2001, 6000-10000 Somali refugees were *refouled* from Mandera and in 2007, 85 supposed ‘terror suspects’ were deported to Somalia.³⁷⁷ In response, Rutinwa notes that the principle of *non-refoulement* is possibly the most disregarded as a refugee right in the Great Lakes Region since it is not enforced in domestic laws and in practice.³⁷⁸ Kimas says that though they started experiencing harassment in Kenya during the Moi regime, the government did not tell them to pack up and go. They were never repatriated by anyone.³⁷⁹ He attributes this to their peaceful nature as a community and their religious practices.

The Shona in Kenya get to exercise their freedom of movement. They live within Kenyan communities and access basic services albeit on a limited basis. Once in a while they get arrested by the police for lack of identity documents but UNHCR intervenes. The Constitution of Kenya 2010 guarantees the freedom of movement. Freedom of movement is also stipulated in the Refugee Convention. However, government policy of encampment restricts the movement of refugees

³⁷⁴ Fielden, “Local Integration,” pp. 1-23.

³⁷⁵ Freudenthaler, “Refugee Rights in Kenya,” p. 41-88.

³⁷⁶ Mogire, “Refugee Realities”p. 20.

³⁷⁷ Ibid, p. 21.

³⁷⁸ Bonaventure Rutinwa, “Beyond Durable Solutions: An Appraisals of the New Proposals for Prevention and Solutions of the Refugee Crises in the Great Lakes Region,” *Journal of Refugee Studies*, Vol. 9 (1996), p. 10.

³⁷⁹ Kimas Amos, Oral Interview, Gospel of God Church-Hurligham, Nairobi, 22nd July, 2018.

within the camps and nearby towns in Kakuma and Daadab. It should be noted that there are refugees living in urban centres in Kenya.

The encampment policy adopted by the government of Kenya was a response at a time when the refugee problem in Kenya was considered an emergency. Since then, refugees have been in the camps awaiting a legal status as refugees. International refugee and human rights laws do not regulate the duration and the process of refugee status determination. For this reason, every state determines their own procedure. In Kenya, the process takes a number of years until a decision is reached and a person is granted a refugee status. Those unlucky have to wait longer if the decision is negative and an appeal is made. The longer the duration the longer a person has to wait to enjoy the rights accorded to them as a refugee in Kenya.

The OAU circumstances that result to a person being a refugee cites foreign domination. The study argues that the Shona were fleeing oppressive British rule in Southern Rhodesia which ended with the independence of Zimbabwe in April 1980. Southern Rhodesia was under foreign domination at the time the Shona first came to Kenya in 1960. Some of the participants identify oppressive rule by colonists in Southern Rhodesia as a reason why they came. Nguabi says that, the wind of independence that was sweeping Africa north of the Zambezi motivated many of them to move northwards. Some of them settled in Zambia, Botswana, Mozambique, Uganda and Tanzania.³⁸⁰ The groups which settled in these countries launched churches to continue with their missionary work. Moyo expresses his concern saying that their friends and fellow Shona who settled in other countries have long been recognized and live as citizens in the said countries but the Shona in Kenya have been fighting for recognition for over forty years.³⁸¹

The occupation and events that gravely affect public order are mentioned in the OAU Convention. Colonialism as a form of occupation had serious political, social, economic and cultural consequences on the colonized populations in Africa and other parts of the world. There were positive and negative impacts of colonialism in Africa and other parts of the world. The effects of colonialism are both positive and negative.

Arguing for occupation by colonial powers in Southern Rhodesia that might have triggered the movement of the Shona northwards to the countries that were already independent of colonial

³⁸⁰ Mofat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

³⁸¹ Alfred Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

rule, Nguabi firmly says that part of the reason they left their homes in Southern Rhodesia was the oppressive rule of the British. This was inspired by the teachings of their founding prophet Masowe who claims he was sent by God to save the Africans.³⁸² Ngoro also says their prophet had trouble with the British government in Southern Rhodesia. Hence, he left and his followers went wherever he went.³⁸³ To hearken to his call, they made their way to Kenya and established their evangelical base. Their church, the Gospel of God Church was registered in 1968 by the government of Kenya and they bought their church premises in the same year.³⁸⁴

In the 1960s and 1970s, Southern Rhodesian government was under constant attack from guerrillas trained in neighbouring countries, Northern Rhodesia and Nyasaland which were part of the Central African Federation 1953-1963. Furthermore, the Second Chimurenga War was waged in Southern Rhodesia from 1964 to 1979. The two countries gained independence in 1964 and broke away from the federation. It can be argued that the government repression from Ian Smith and his team of white minorities triggered the movement of the apostles of Johane Masowe northwards. In this regard, the ones who found their way to Kenya were fleeing oppressive rule of the colonial government in Southern Rhodesia. They were encouraged by the fact that other countries neighbouring Southern Rhodesia were attaining independence. For this reason, they migrated and settled in Zambia and Malawi while some of them moved northwards to east Africa.

A point to note is that the OAU Convention came at a time when colonialism had caused Africans a lot of suffering and disturbed the public order of the African governance system in their societies. Similarly, the 1951 Convention on Refugees came after the Second World War which displaced people in Europe and other parts of the world. The guidelines of determining who a refugee is based on these two Conventions were inspired by events in history that left out those who fled their homes and crossed international borders due to natural disasters such as floods, droughts, earthquakes and famine. The Shona in Kenya assert that they came as missionaries. Therefore, the definition put forward by the two Conventions do not adequately address the case of the Shona in Kenya.

³⁸² Mofat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

³⁸³ Benjamin Ngoro, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

³⁸⁴ Oliver Muregerera, Oral Interview, Gospel of God Church-Hurligham, 18th July, 2018.

In the face of the arguments given in this section to evaluate if the Shona in Kenya are indeed refugees, the study fails to find evidence that support their refugee-hood in Kenya. At the time of arrival in Kenya, one respondent from the Shona community said that they were fleeing oppressive colonial rule. However, the main reason they came to Kenya was to carry out missionary work. In addition, the Shona are not listed as refugees at the UN Refugee Agency in Nairobi. They are considered as stateless persons who fall under the protection of the Agency. Evidently, the Shona in Kenya are neither citizens nor refugees.

Being a refugee means that the Shona in Kenya could not avail themselves for protection by the Rhodesian government in 1960 when they arrived in Kenya. However, this is not the case. The Shona migrated to Kenya for religious reasons. The Shona in Kenya came as missionaries. They clearly state that Kenya is their Promised Land and evangelical headquarters. They consider Kenya their home. The concept of home is a social construction and depends on a given context. They chose Kenya as their home based on their religious beliefs and the argument that, geographically Kenya falls in the middle of the African continent from Cape to Cairo and that the equator divides Kenya into almost two equal halves. Their belief that Kenya is their home is tied to emotional and spiritual connotations which this study cannot measure. This has inspired their sense of belonging in Kenya to an extent that they do not feel that they belong in another country.

3.9 Conclusion

The debate on citizenship in this chapter brings out the complexity that is citizenship. The Liberal theory of citizenship gives a short-sighted notion when applied to the Kenyan identification regime. A regime anchored on identifying citizens through ID cards that come with a form of equality which is entrenched in law albeit applied differently when it comes to dealing with ethnic minorities and those communities considered non-indigenous. The regime recognizes the ethnic communities first and the communities that arrived first and uses it as the basis of granting citizenships while those who arrived later have to undergo vetting to prove their belongingness in order to be recognized and get IDs. The exclusion in the census of the Shona and the classification as 'Others' portrays a system that uses the administrative channels to deny them the recognition they qualify to get as per the provisions of the Constitution. In different light, the Shona in Kenya, who identify as citizens and are advocating for collective identity to become a Kenyan ethnic community complicates the tenets of Liberal citizenship which puts the state-individual

relationship as the central focus of its argument when it comes to granting citizenship. Therefore, the Liberal theory on citizenship fails to address the reality of citizenship in Kenya.

The Shona in Kenya do not meet the parameters on which a person or a group of people can be determined as refugees in order to acquire a refugee status. They enjoy the freedom of movement unlike the refugees in the camps in Daadab and Kakuma in northern Kenya. They are not urban refugees either. If they had a refugee status, they would not claim recognition as a community since Kenya hosts refugees from Somalia, Ethiopia, Sudan, South Sudan, DRC, Rwanda, Burundi, Uganda, Eritrea and others.

This study therefore, coins the term “Wishful Citizens” to refer to the Shona in Kenya. It should be noted that not all the Shona in Kenya lack documentation. They are ‘wishful citizens’ of a country they call the Promised Land and home. They have lived in Kenya for almost six decades identifying themselves as Kenyans without juridical citizenship which can only be granted by the Kenyan state. They also do not qualify for refugee status in Kenya under UNHCR classification of refugees. The finding that they do not hold a refugee status in Kenya as individuals compels the study to determine their identity under international law. The next chapter looks into the Shona question in Kenya in reference to the fact that they do not have an effective nationality in Kenya and that they do not identify with their countries of origin. Hence, they are a stateless minority group in Kenya.

Chapter Four

The Shona and the State of Statelessness in Kenya

4.0 Introduction

Statelessness is a phenomenon not confined to Africa. It is a problem faced in every continent and spread all across the globe.³⁸⁵ Under international law, statelessness is prohibited and seen as a human rights violation in the event that it occurs.³⁸⁶ Statelessness can be caused by many factors. These include: indiscriminate denial and deprivation of a legal status, occurrences during national homogenization, enactment of racist laws, periods of state transformation or creation, restoration of the state, gender inequality when women cannot transfer their nationality to their children and non-registration of births.³⁸⁷

Nationality, synonymous with citizenship in international law links individuals with the international system through municipal laws. Nationality as a right provided for in the UDHR 1948, Banjul Charter 1981 among others, remains a constant struggle for some groups and individuals in the world today. Despite the provision of nationality in international treaties and their protocols and the fact that they prohibit statelessness, over 12 million people (under UNHCR mandate) grapple with the challenges of statelessness globally.³⁸⁸ The UN Refugee Agency recognizes that in Kenya, the number of stateless persons is not known but the number is estimated at 18500 people.

Statelessness as a global challenge brings to light the weakness of the discourse of human rights and renders international law impotent in handling the scourge. This chapter examines the identity of the Shona in Kenya under international law.

4.1 The Shona in Kenya in a Situation of Statelessness

The international legal regime governing the phenomenon of statelessness is specifically enshrined in the Convention Relating to the Status of Stateless Persons 1954 and Convention on

³⁸⁵ Bill Berkeley, "Stateless People, Violent States," *World Policy Journal*, Vol. 26, No. 1 (2009), pp. 3-15.

³⁸⁶ UNHCR, 'Addressing Situations of Statelessness, UNHCR Global Appeal 2009 Update,' (Geneva: United Nations High Commissioner for Refugees, 2009)

³⁸⁷ Brad K. Blitz, and Maureen Lynch, *Statelessness and the Benefits of Citizenship: A Comparative Study* (Geneva: Oxford Brooks University, 2009), pp. 7-9.

³⁸⁸ Carol A. Bachelor, "The 1954 Convention Relating to the Status of Stateless Persons: Implementation Within the European Union Member States and Recommendations for Harmonization," *Refugee Vol.* 22. No. 2 (2005), p. 34.

Reduction of Statelessness 1961. Van Waas³⁸⁹ points out that the 1954 Convention provides for the legal status of a ‘stateless person’ who is the individuals who find themselves without a nationality and guarantees them a minimum standard of protection.

On the other hand, the 1961 Convention deals with the right to a nationality by granting or refraining from withdrawing nationality in particular situations so as to prevent new cases of statelessness from arising. International principles and rules found in branches of sources of international law such as human rights law, refugee law, laws governing state succession and private international law complement the governing of statelessness. The problem of statelessness gained momentum in the 20th Century at the end of World War II which dispersed individuals, groups and communities.

The 1954 Convention terms as *de jure* stateless persons, those who have not been automatically granted nationality by their host state or through the laws of the state. Individuals who cannot claim their rights to nationality in the event that they need protection and security are *de facto* stateless persons. *De facto* stateless persons bear the burden of proof of their national identity since they do not have nationality documentation given by the government of the state they claim to be their home. This if not checked can lead to them being excluded from the state and labelled as outsiders because they have nothing that qualifies them for the citizenship of a particular state. Munaita notes that the Shona in Kenya are stateless because the Kenyan government has excluded them while the law of recognition states that citizenship in Kenya can also be by birth.³⁹⁰

Moreover, the 1954 Convention fails to accord the *de facto* stateless persons the recognition and protection that it gives to the *de jure* stateless persons. The Convention only recommends that state parties to ‘compassionately consider’ stateless persons.³⁹¹ The compassion may not be easily applied since states take action in the manner that fulfills their national interest and at their discretion. Van Waas identifies the *de facto* stateless people as a threatened group

³⁸⁹ Laura van Waas, “Statelessness: A 21st century Challenge for Europe,” *Security and Human Rights*, No. 2 (2009), pp. 236-239.

³⁹⁰ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

³⁹¹ Convention Relating to the Status of Stateless Persons, 1954. Article 7(4)

which may not get to enjoy their human rights for the simple reason as human beings due to the lack of protection from the state to which they claim to have a formal connection.³⁹²

The 1961 Convention on the Reduction of Statelessness affirms the rights to a nationality and requires state parties to grant nationality to individuals born within their territory under their laws. The individuals referred to are those who are at risk of being declared stateless. Despite the aim of the Convention to reduce statelessness, the Convention neglects to address the plight of those who are already stateless. In addition, the Convention fails to address issues of revocation of nationality. Through this, the Convention inadequately tackles the problem of statelessness.

The Kenyan Nubians of Sudanese origin who fought in the British colonial army³⁹³ and never returned home and the descendants of immigrant workers in Cote d'Ivoire in West Africa,³⁹⁴ the Galjael, the Pemba, and the Shona are some of the groups grappling with statelessness. There are also individuals from Burundi, Rwanda, and the DRC who fall within the statelessness bracket. It should be noted that the Nubians' situation in Kenya has been resolved by the government and they have been formerly recognized by the government of Kenya and given title deeds of the land in Kibra Slums where they were settled and they access national identification cards from the national bureau of registration. However, the Nubians have to deal with vetting and screening processes which at times denies them ID cards.³⁹⁵

Statelessness can be created by technical causes as a result of a conflict of laws between two countries whereby a country determines nationality by descent (*ius sanguinis*) or nationality by birth (*ius soli*). The Shona in Kenya claim citizenship by birth and the Kenyan Constitution of 2010 ranks *jus soli* citizenship first. However, the citizenship by birth has to be ascertained by various documents and one parent has to be a Kenyan citizen. Therefore, the Kenyan system of identification combines both *ius soli* and *ius canguinis* principles of citizenship. The Constitution of Kenya, 2010 prioritizes citizenship by birth and then adds a limitation that either parent has to

³⁹² Laura Van Waas, *Nationality Matters: Statelessness Under International Law* (Antwerp: Intersentia, 2008), p. 3-27.

³⁹³ Abraham Korir Sing'Oei, "Citizenship in Kenya: The Nubian case," in *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*, ed. B.K. Blitz and M. Lynch (Geneva: Oxford Brooks University, 2009), pp. 37-49.

³⁹⁴ Abbas Shiblak, "Arabia's Bidoon," in *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*, pp. 85-93.

³⁹⁵ Samantha Balaton-Chrimes, "Statelessness, Identity Cards and Citizenship as Status in the Case of the Nubians of Kenya," *Citizenship Studies*, Vol. 18, No. 1 (2014), pp. 15-28.

be a Kenyan citizen.³⁹⁶ This limitation proves that citizenship in Kenya is by descent. Another contradiction is that the citizenship acquired by registration as stipulated in the Constitution has not been effective for the Shona in Kenya.³⁹⁷ The period of stay is seven continuous years, a duration that has been met by the Shona in Kenya who have been denied citizenship by registration because their ancestry lies elsewhere. Even the Shona who have intermarried with the local communities have not been able to acquire citizenship by marriage. Mati notes that:

I am married to a Shona man born in Kenya. We have three children but my husband has not been able to acquire a Kenyan ID. Every time he goes to the registration centre in Kinoo he is told that he cannot get the ID because he is not Kenyan and citing my marriage to him has not helped the situation either. Even our three children cannot get birth certificates because my husband is not Kenyan and he cannot be Kenyan until the Shona are officially recognized.³⁹⁸

Gathoni says:

I am a Shona born of both Shona mother and father. I was able to get a Kenyan ID because I put my step-mother's name, Gathoni as my last name. My marriage to a Kenyan Kikuyu man was not helpful at the time I was applying for an ID. So, even though the Constitution of Kenya 2010 says that we can be citizens by birth, this has not worked for all the Shona I know. The ones I know who have acquired IDs have had to change their names, cheat and even bribe to get IDs.³⁹⁹

Commenting on the contradiction in the citizenship law in Kenya, Munaita, UNHCR assistant protection officer on statelessness says:

The Shona in Kenya out to be citizens by birth as provided for in the Constitution of Kenya, 2010, but this has not been the case because citizenship in Kenya is by descent. However, even the Shona men and women who are married into other Kenyan ethnic groups cannot get citizenship by marriage because the Shona in Kenya are not recognized as a Kenyan ethnic community. This had driven some of them to use irregular means to acquire IDs. We at UNHCR know it is not right to do so. However, statelessness makes you do illegal things to survive. This is the reason why UNHCR in Kenya is advocating for the Shona in Kenya to be recognized so as to limit such irregularities. UNHCR is also asking the government of Kenya to pardon the Shona who have acquired the Kenyan ID illegally. Their fingerprints are already in the registration system and should they be recognized anytime from now and they revert to using their Shona names to get the ID then, they will be facing criminal charges for double registration. You know it is better to be a refugee than a stateless person because, refugees have legal

³⁹⁶ Constitution of Kenya, 2010, Article 14 (1).

³⁹⁷ Ibid, Article 15.

³⁹⁸ Doris Kendi Mati, Oral Interview, Kinoo, Kiambu, 17th May, 2019.

³⁹⁹ Enetsia Motsi Gathoni, Oral Interview, Kinoo, Kiambu, 28th May, 2019.

documentation, they have a refugee status from the Refugee Affairs Secretariat under the Ministry of Interior and Coordination of National Government in collaboration with UNHCR in Kenya but stateless people do not have any legal status. Their status is stateless-no country recognizes you as a stateless person under the operation of its law. You do not exist according to the law. You are a ghost.⁴⁰⁰

Statelessness of the Shona in Kenya can also be linked to state succession and restoration and bureaucratic barriers. As is the case of the Shona who came as missionaries before independence but on attaining independence they did not become nationals even though the Constitution at the time provided for citizenship for all British colonies in Commonwealth countries.⁴⁰¹ This can be attributed to their actions or inactions. They did not initiate the process of acquiring formal citizenship after independence in Kenya. Muregerera stated that:

The Shona in Kenya did not experience any problems in Kenya at the beginning until 1978 when their leadership of the country changed and any insecurity in the country was pinned on foreigners and other groups of people which did not have Kenyan identification documents. This is where the arrests became the order of the day and things got bad for the Shona, we knew we had to start the process of acquiring citizenship. Forty one years later and no citizenship and no recognition.⁴⁰²

Stateless persons are entitled to a set of human rights under international law. In theory, these rights sound promising but in practice it is a daunting task for stateless people. Stateless people's freedom of movement across international boundaries is just but a dream since they do not have the necessary documentation to acquire passports. Nguabi says that he has never left Kenya to travel elsewhere since he came in 1977 because he is an unidentified 'Kenyan'.⁴⁰³

The Shona situation in Kenya is one of a *de facto* stateless persons. They are not directly addressed in the two Conventions on Statelessness. First, because they are not legal residents in Kenya. Their claims of having arrived in Kenya in the early sixties can be felt in their stories and seen in their photos. The first generation, who have expired British passports cannot claim British citizenship since Zimbabwe is no longer a British colony. Hence commonwealth citizenship no longer applies to them or even Kenyans. They have no legal proof of either being Kenyan or Zimbabwean.

⁴⁰⁰ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

⁴⁰¹ Constitution of Kenya, 1963. Article 1 (1).

⁴⁰² Oliver Muregerera, Oral Interview, Gospel of God Church, Hurlingham, Nairobi, 18th July, 2018.

⁴⁰³ Mofat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

The dilemma of not being able to identify with any state legally makes it difficult for stateless persons to benefit from the protection and security of their host country. Besides the challenges mentioned, stateless persons cannot access the ballot or vie for public office in their host country. These challenges threaten the human security of stateless persons. The access to formal employment or the labour market, access to education, health, security, and housing among others is a challenge unlike when a person can access these services like citizens of the state. Goldstron notes that being stateless exposes the persons concerned to extortion from non-state entities and the state as well since they do not have any documentation to find help from the courts.⁴⁰⁴

Due to the lack of identification documents, they have no access to quality health care services. Accessing employment opportunities in the formal economy is an elusive dream because it requires them to prove their nationality. The lack of formal employment and exploitation by middlemen in the case of those who run small-scale businesses has thwarted their efforts to own property and carry out investments for themselves and their future generations. Stephen explains that the lack of documentation has barred her from registering her basket weaving business. She cannot use the mobile money transfer services via Mpesa because she has no Kenyan ID or passport required for the transactions.⁴⁰⁵

Stateless persons face the challenge of giving their children good education due to the fact that they do not qualify for bursary or the children do not have the necessary documentation to further their studies. Dube laments that some of his children have had to forego scholarship opportunities due to lack of identity cards to process their travel documents.⁴⁰⁶ Naituri expresses how demoralizing being stateless can be:

There is nothing worse in this world than being a stateless person. I feel like a walking dead! One minute I am present but the next minute I am not because I only have the name my mother gave me and that cannot take me as far as I would like to go. I know I am Kenyan but I'm not legally recognized so I am stateless.⁴⁰⁷

⁴⁰⁴ J. A Goldstron, "Holes in the Rights Framework: Racial Discrimination, Citizenship and the Rights of Noncitizens," *Ethics and International Affairs*. No. 20 (2006), pp. 321-347.

⁴⁰⁵ Oral Interview, Effsie Stephen, Kiambaa, Kiambu, 31st July, 2018.

⁴⁰⁶ Oral Interview, Ishmael Dube, Kinoo, Kiambu, 31st July, 2018.

⁴⁰⁷ Beevan Moyo-Naituri, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

Stateless persons are victims of rampant discrimination and exploitation, political disenfranchisement, and marginalization both economically and socially. In spite of all these, Boeles⁴⁰⁸ concludes that after all nationality is a legal philosophical construct and not a state of nature, therefore, it can be undone. You are either a national/citizen of a state that you carry its legal identification documents or not if you do not possess them. This is the dilemma the Shona face in Kenya since they do not have identification cards of either Kenya or Zimbabwe.

Nguabi narrates that when they got word that their promised land was getting independence and the independence wave was sweeping many countries north of the Zambezi, they packed their bags and left Southern Rhodesia which was still under British rule. When they arrived in Kenya, they settled and started their missionary work. In 1967, they got a permit to build their church in Nairobi and they continued with their missionary work not knowing that a day would come in the future when they had to prove that they belong in Kenya.⁴⁰⁹

Discrimination or arbitrary deprivation of nationality can also cause statelessness. Arbitrary deprivation affects *de jure* stateless persons. A case in point is that of the migrant workers denaturalized in Ivory Coast as a strategy to curb the economic crisis in the country in the early 2000s by xenophobic leaders.⁴¹⁰ Gerber, Gargett and Castan⁴¹¹ note that statelessness comes with high costs to the people affected. This can be manifested through refusal by authorities registering people to issue birth certificates to a child whose parents cannot prove that they hold the nationality of their country of residence. The case of the Shona in Kenya is also one of discrimination whereby, the Constitution grants citizenship by birth and registration but they cannot access the IDs because how the law is applied is not how it is written. This is the challenge faced by the second and third generation of the Shona in Nairobi in their attempts to acquire identification papers and to have their children registered in the areas they live in. They cannot prove that their parents hold Kenyan identity cards because their parents do not have them.

The Shona access to the labour market, public education or healthcare is limited due to being stateless. In the end, this perpetuates poverty and if not adequately addressed the people can

⁴⁰⁸ Pieter Boeles, "The Usefulness of Nationality," *Dutch Juristenblad*, Vol. 82. No. 42 (June, 2007) pp. 2666-2671.

⁴⁰⁹ Mofat Nguabi, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

⁴¹⁰ Geschiere, *The Perils of Belonging*, p. 36-37.

⁴¹¹ Theodore P. Gerber, A. Gargett, and M. Castan, "Does the Right to Birth Registration Include a Right to a Birth Certificate?" *Netherlands Quarterly of Human Rights*, Vol. 29. No. 4 (2011), pp. 434-459.

engage in small-scale fraud by faking identification papers through dubious means in order for them to get and enjoy the rights they are denied because of lack of citizenship. Chinyinga says that she had to 'buy' parents so that her children could get birth certificates from their area chief. She did this in order to have her children registered for KCSE.⁴¹² Muungane narrates that, the lack of nationality which has denied them access to ID cards has hindered their missionary activities. They cannot use the SGR Train services while travelling to Mombasa to minister the gospel nor use some bus services that requires a Kenyan ID for booking purposes.⁴¹³

Statelessness leads to a group of people called minorities since they do not have the access to public amenities that nationals in a country enjoy. Therefore, their rights are always classified together with minority rights under international law. This is a misnomer in the sense that minorities in Kenya for instance do not bear the burden of proving their nationality like the stateless persons. The Ogiek, for example, are a minority Kenyan community while the Shona are a minority group whose claim for Kenyan citizenship cannot be substantiated. The minority rights are provided for in the International Convention on Civil and Political Rights.⁴¹⁴

The Constitution of Kenya, 2010 recognizes minority groups and marginalized communities. The Constitution provides for their protection under the application of special rights. Rights such as participation in the governance process, provision of special education and economic opportunities and access to employment and affordable access to health services, water and infrastructure are some of the minority rights in the Constitution.⁴¹⁵ One can only access these rights with valid documentation of being Kenyan. However, the Constitution fails to outline how the minorities are to be protected and who the minorities are. The Kenyan Parliament passed the Citizenship and Immigration Act in 2011 to combat statelessness in the country. The Act gave the Kenyan government five years to register all stateless persons but by 2015 August 30, not all stateless persons and communities had been registered. The Shona were left out in the process. The mandate was extended and it expires by the end of 2019.⁴¹⁶

⁴¹² Joska Chinyinga, Oral Interview, Githurai, Nairobi, 20th July, 2018.

⁴¹³ Zephaniah Muungani, Oral Interview, Kinoo, Kiambu, 17th May, 2019.

⁴¹⁴ ICCPR 1966. Article 27.

⁴¹⁵ Constitution of Kenya, 2010. Article 56.

⁴¹⁶ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

The principle of International Law that sovereign states have an inviolable right to determine who receives their nationality and who does not is limited by UDHR in Article 15 that states: nationality is a right to every human being. This makes the quest to identify and belong in Kenya by minority groups like the Shona in Kenya challenging since it is the Kenyan government to decide whether or not to grant them citizenship. The provision of UDHR is also limited by the 1954 Convention on statelessness that requires state parties to treat stateless persons living within their territories with “sympathetic considerations.” From the UDHR and the UN Charter as internationally recognized legal frameworks on human rights providing for inalienable and indivisible human right to belong and to be recognized, the Convention on Statelessness undermines this inalienable right and bases it on sympathetic considerations which this study cannot explain because it is not outlined in the Convention. Therefore, the right to a nationality is only well written in these legal frameworks but not given in the case of the Shona in Kenya and other stateless persons. Hence, the weakness of the international human rights law in addressing statelessness.

The Kenyan law entrenched in the Citizenship and Immigration Act, 2011 is the only document that allows stateless persons and immigrants to acquire Kenyan citizenship. The act only accords citizenship to persons who must have been in Kenya before 1963 December 12 and their descendants who can prove that their parents were in the country before the stated date.⁴¹⁷ Some of the first generation of the Shona in Kenya hold outdated British passports which they used as entry documents. Subsequent generations of the Shona community have inherited statelessness from their parents due to lack of valid documentation to access Kenyan identification documents.⁴¹⁸ The cycle of statelessness of the Shona in Kenya is like a never ending problem. It has been inherited by one generation after the next. Mwangi laments on how she has had to live with no identification because her parents did not have. She says that, sometimes back she had to use an ID she picked from the streets. However, it is not safe, “I got scared and I had to stop, what if I got caught?” She asks.⁴¹⁹ The Shona participants in the study have no way of proving any of this, they hold British passports which are no longer valid. Muregerera narrates what his father told him before he died in 2005:

⁴¹⁷ Citizenship and Immigration Act, 2011. Article 15, 16 and 17.

⁴¹⁸ Ibid.

⁴¹⁹ Evaline Mwangi, Oral Interview, Githurai, Nairobi, 20th July, 2018.

When my father came in 1960, and I came with my mother in 1961 they had British passports. During President Kenyatta days things were good. We even met the President in 1967 and got our permit then bought our church premises in Hurligham Nairobi in 1968. Nobody cared to apply for an identity card or push for citizenship because all they did was missionary work and nobody bothered them. So, it was not an emergency like it is for us now. The rain started beating us when the regime changed in 1978. All the Shona who had the cards surrendered them to the government and nothing was given in its place. Those deemed foreigners were tagged a threat to national security. We approach every new government to explain our case but nothing has come our way just yet.⁴²⁰

Munaita contends that the change in legislation and order for all who held ‘DC card’⁴²¹ to surrender them by the Moi regime in 1978 locked out not only the Shona but also a set of Rwandan and Burundian people who came in the 1930s and 1940s as British labourers in the tea farms in Kericho. The Pemba in Kwale, Rundi, the Galjaeel, and Rwandese in Kericho make the list of the stateless persons in Kenya who are yet to be recognized.⁴²² This order made it impossible for the Shona and other groups to prove their legal residency in Kenya as per the requirement of the Citizenship and Immigration Act. Between 2001 and 2006, a section of the Shona in Kenya were granted alien cards but these cards have since expired. Two of the respondents interviewed had certificates of registration which is equivalent to a certificate of nationality acquired after successful application for citizenship by registration but their attempts to acquire the national ID have not been successful. They said that, their trips to the registration centres have been fruitless because they are told by the Kenyan registration officials that they are foreigners-they are not a recognized Kenyan ethnic community. The selective application of the law and other factors which seem concealed when it comes to the access to registration services by the Shona depicts discrimination.

She proceeds to say that the Shona did not hide from the government, they kept going back every time there would be a new director of the immigration department and a new cabinet secretary to argue their case. They have a special religious bond with Kenya and no ties with Zimbabwe, Mozambique or Zambia where they came from but nothing has come forth. Some of them had their DC cards renewed last in 2001. The government of Kenya has waived some of the

⁴²⁰ Oliver Muregerera, Oral Interview, Gospel of God Church-Hurligham, Nairobi, 18th July, 2018.

⁴²¹ DC Card- the name given to identification cards given by the District Commissioner (DC) during the colonial period in Kenya. They were also used to collect tax. They were replaced by the first generation ID cards in Kenya.

⁴²² Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

requirements for stateless persons in Kenya as a commitment to end statelessness by 2024.⁴²³ All the respondents expressed fear in regard to applying for identity cards because they are not a recognized ethnic community in Kenya. Some of those who had applied for IDs before could not make it past the vetting process even if they changed their names. In the end, they got disillusioned and abandoned the process. Some expressed fear of being deported to who knows where so, they live hoping that one day they will get the ID.

The UNHCR campaign dubbed 'I Belong' which was launched in November 2014 coincidentally at the time when the government of Kenya formed a task-force to tackle statelessness in the country will prove helpful for those who cannot prove their legal residency since 1963. The 'I Belong' Campaign was launched to end statelessness within a decade. Spiro notes that, in 2016, the Campaign gained momentum and intensified statelessness awareness globally and roused political channels to curb the challenge of statelessness. The Abidjan Campaign and the Brazil Declaration and Plan of Action have sensitized other states to begin and design National Action Plans to eradicate statelessness by 2024.⁴²⁴ In addition, Sigona identifies enhanced diplomacy, enhanced coordination in the civil service of states and more involvement of international organizations as crucial strategies to realize the UNHCR Campaign goals.⁴²⁵ In 2016, the number of state parties to the Convention on Statelessness increased from 68 to 89.⁴²⁶ Regionally, the AU through the Commission on Human and People's Rights, adopted a draft protocol to provide a framework on how African state can guarantee nationality in the continent.⁴²⁷

UNHCR has been negotiating with the government of Kenya to recognize the Shona and the other stateless persons in Kenya so that their registration becomes a normal process like other recognized ethnic communities so that they do not pay hefty amounts of money which they cannot afford.⁴²⁸ The mandate given by the Citizenship and Immigration Act 2011 for the government to register stateless persons in Kenya expires at the end of 2019. So the UN Refugee Agency is

⁴²³ Ibid.

⁴²⁴ Peter J. Spiro, "Nationality and Statelessness Under International Law," *American Journal of International Law*, Vol. 110, No. 1, (2016), pp. 148-152.

⁴²⁵ Nando Sigona, "Everyday Statelessness in Italy: Status, Rights and Camps," *Ethnic and Racial Studies*, Vol. 30, No. 2, (2016), pp. 263-279.

⁴²⁶ Spiro, "Nationality and Statelessness Under International Law,"

⁴²⁷ Draft Protocol to the African Charter on Human and People's Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, 2015, available at <https://www.achpr.org>, accessed on 28th November, 2019.

⁴²⁸ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

negotiating the formation of another task force to help end the situation of stateless persons in Kenya.⁴²⁹ Recognition is the only solution to stamp out statelessness and ensure the rights of minorities who find themselves excluded by the application of the existing laws.⁴³⁰

As a commitment to eradicate statelessness in Kenya, the government of Kenya formed a task-force in 2014. In 2017, the Makonde and the Indians were officially recognized by the government of Kenya ending their situation of statelessness in the country. The Kenyan Multi-agency Task Force whose mandate is to end in December 2019 had the mandate renewed by the Ministry of Interior. The renewal gives the Task force one year from August 2019 to map, identify and register eligible stateless persons in Kenya.⁴³¹ However, Kenya has not acceded to the Convention on Statelessness of 1954.

4.3 Conclusion

Statelessness in Kenya like in other African countries is linked to historical injustices met against immigrants and their descendants. Discrimination based on application of the law, ethnicity and race which have their roots in colonial laws inherited after independence continues to perpetuate statelessness in Kenya. With the provision of addressing statelessness given by the Citizenship and Immigration Act 2011 and the requirement of the 1961 Convention to the Reduction of Statelessness for state parties to give nationality to persons born within their territories seem to uphold the rights of stateless communities in Kenya. However, states in their actions prioritize their national interest. Perhaps, the recognition of the Shona is not a priority for the government of Kenya since their claim for citizenship do not amount to a benefit to the state. Kenya is not a signatory to the two conventions on statelessness therefore, the state's 'companionate consideration' towards the Shona might be pegged on other factors that this study fails to identify.

The first generation of the Shona in Kenya held the District Commissioner's card, a form of identification which was the ID card during colonial Kenya. The granting of alien cards, certificate of registration initially and rejecting them as proof of identity in the case of the Shona in Kenya brings out the discriminatory nature of the identification regime in Kenya. The

⁴²⁹ Ibid.

⁴³⁰ Ibid.

⁴³¹ The Kenya Gazette, Government Notice No. 7881, 23rd August, 2019.

discrimination has driven the Shona to practices of cheating and bribing in order to access social services. The waiver on identification requirements by the government of Kenya as a commitment to end statelessness in the country could be a step forward to end the statelessness of the Shona in Kenya.

Chapter Five

Integration of the Shona in Kenya

5.0 Introduction

Ager and Strang contend that the basis or foundation of integration is citizenship and access to rights upon which access to education, health services, employment, and housing and form local social bonds and links with the communities of their host state depends.⁴³² Integration is a contested concept with various policy implications for victims of forced displacement and their host counties. It is a continuing process whose end this project paper cannot determine. How is the integration of the Shona into the Kenyan communities to be evaluated?

This chapter interrogates the level of integration of the Shona in Kenya. Using Ager and Strang's model of integration with emphasis on the means and markers for successful integration as used in the relocation of refugees and other migrants due to forced displacement. The chapter gives an account of the Shona experiences in accessing the four pointers of integration.

The integration model borrows a lot from the human security report which categorizes the main threats to the individuals which make up societies and communities that accumulatively form states. The report shifts the focus from state security to a human-centred security citing elements of human security as: economic security, health security, food security, personal security, environmental security, community security and lastly, political security.⁴³³

The case of the Shona in Kenya is a complex one since they are an undocumented group. The basic rights of undocumented persons are not commonly reflected in policy formulations of states. This is based on the premise that the undocumented persons do not legally exist. Therefore, claiming that they have the same rights as the citizens of Kenya would be a delusion. In light of this, the study refers to the basic and inherent rights in the UDHR and the Statelessness Convention which, in a strict sense, does not directly address the statelessness situation of the Shona in Kenya.

⁴³² Ager Alastair and Alison Strang, "Understanding Integration," pp. 166-191.

⁴³³ The Human Development Report, United Nations Development Programme (UNDP), (New York: Oxford University Press, 1994), pp. 24-25.

5.1 Education

The 1954 Convention requires state parties to accord stateless persons the same elementary education as that accorded to nationals.⁴³⁴ Education facilities such as schools, colleges among others provide places of connection and interaction for displaced individuals and communities and their host communities. It is through the interactions that the two sides are able to forge worthwhile relationships that are crucial for the integration process and its success.

Rutter notes that education for immigrant individuals and groups is based on two important elements. Firstly, the language of the host country and qualifications recognized locally. The ability to converse in the language of the host country or community fluently ensures good interaction between the immigrants and the host communities.⁴³⁵

Language is vital for the Shona integration in that it facilitates communication between them and their neighbours in the areas where they live. Language is instrumental in everyday life as it bridges the hosts and the new-comers. It is a human resource used in economic relations, enhancing social ties and accessing the markers and means of integration such as employment, health facilities, housing among others.

The ability to speak Swahili and English, as Kiswahili is the national language of Kenya while English is the official language enhances relationships and participation in the community for the Shona. This has an advantage and can minimize conflicts between the Shona and the community they live within. Michobo makes fun of himself saying:

I speak *KiMeru* very well after being in school there for four years and living with my friend's family to an extent that my classmates think I am from Meru. At first they thought I come from the Coast of Kenya because they heard me speak *Chishona*- my mother tongue. They do not know that I am not from the Meru community neither do I come from the Kenyan coast. I had to polish *Kimeru* language skills so that I pass the vetting process when I applied for an ID and I got it.⁴³⁶

Moyo goes ahead to say:

Whenever I speak Kikuyu when we go to work outside for example Kitale or elsewhere for my interior design job, people who understand the language think I

⁴³⁴ Convention on Stateless Persons, 1954, Article 22 (1)

⁴³⁵ J. Rutter, *Back to Basics: Towards a Successful and Co-Effective Integration Policy* (London, IPPR, 2013), p. 50.

⁴³⁶ Johnson Michobo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

am from Kikuyu land but when I change to *Chishona*, they ask me what language it is and I tell them it's French then they stop asking because they do not understand French. The *Chishona* we speak as the Shona in Kenya is not the pure language. When we meet fellow Shona who come as visitors from Zimbabwe, Zambia and Mozambique they tell us we are lost because we do not speak the original language. And I tell them it is ok because our home in Kenya has taught us other languages. Our children speak Kikuyu and Kiswahili way better too.⁴³⁷

Moyo quotes the provision of the Citizenship and Immigration Act 2011 that requires stateless persons to have the knowledge of a local language and Swahili in order to acquire Kenyan citizenship:

All the Shona I know in the areas where they live in Kiambaa, Kinoo and Githurai speak Swahili and Kikuyu very well. When we meet at the Church in Hurligham you cannot tell who is not a Kikuyu from the language when they speak. So, this is proof that we are not strangers in Kenya. I am forty years old and I have been in Kiambaa all these years. I am a Kenyan. I feel it. The problem is I do not have legal proof of belonging.⁴³⁸

The fact that the Shona in Kenya can speak Kiswahili and Kikuyu-the language of their neighbours in the areas where they live has enabled them to do business with their neighbours and other communities they interact with in Kenya. Kagendo discloses that:

I get to sell my baskets freely in the market because I speak Kiswahili and Kikuyu very well. English is a problem though because I never made it far in school. My basket weaving business runs smoothly because language is not a problem. Kenyans speak many languages but Kiswahili is for everyone and it is good for my business.⁴³⁹

The use of languages has also earned the Shona children friends and playmates. Ramson says:

My six-year old son speaks Kikuyu very well. This makes it easy when he is playing with the other kids in the neighbourhood. This makes me happy as a parent because my child is not isolated.⁴⁴⁰

The Shona have acquired the knowledge of local languages in Kenya plus Swahili which is the national language. This has enabled the Shona to form social networks with their neighbours. The language component has acted as a means for the Shona to integrate into the society. Through

⁴³⁷ Alfred Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴³⁸ Ibid.

⁴³⁹ Lydia Josephine Kagendo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁴⁰ Zipporah Ramson, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

participating in the community and enhancing social ties the Shona are able to bond, do business, learn the cultural values of their neighbours and live peacefully.

The field study found out that most of the Shona interviewed have not made it past primary school in Kenya despite the fact that language is not a barrier for them. They cite lack of funds to give their children good education. This has been a cycle since most of the adults did not make it to finish standard eight of the Kenyan education system as a result of their parents' inability to take them through school. They cannot access the bursary because they do not have documentation to prove their legal residence. Mpofu states:

I have tried once to apply for the bursary for my son but I did not get anywhere. You have got to know someone at the sub-county offices. Someone to take your child as their own and treat the case as theirs then maybe if you get lucky your child goes through school. My earnings are not much. I have a family to feed and my carpentry work has no regular income.⁴⁴¹

The lack of education hinders the Shona from participating fully in the economy. Inability to access education or lack of education deters the Shona from taking part in the formal economy of Kenya which in turn leads to greater exposure to exploitation, and unemployment. Those who are able to get menial jobs receive less pay and this has long-term effects on the individuals and their families. Parents are not able to cater for their children's education, fend for the family or even invest for the future. Kapota tells his story with a long face:

I had to drop out of school in primary school in class seven after my mother died because my father could not afford to pay my school fees and take care of my siblings. This is because the carpentry job my father and I practice cannot feed us and take us to school. We do not have proof of citizenship in order to access bursary for me and my siblings. I hope to get a degree in performing arts in the future when the chance comes.⁴⁴²

Education in the host country is the responsibility of the state. In the case of those considered non-indigenous like the Shona there may be substantial differences in the availability of funding and quality of the education is dependent on the educational structures of the host country. The Kenyan education system requires that a person begins at pre-school then primary

⁴⁴¹ Jonathan Mpofu, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁴² Rufaro Kapota Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

school for eight years after which secondary school follows for four years. After secondary school one is able to go to college when they qualify or join technical and vocational training institutions.

At the tertiary level, the lack of documentation has hindered many minority and immigrant young people to access the facilities. Muregerera expresses his concerns for the young Shona children:

Some of our children have made it through to secondary school in the local schools but going further has been a challenge. The fact that we do not have proof of citizenship kills their dreams of pursuing further education because their parents cannot pay and they cannot get employment.⁴⁴³

Educational requirements in the learning institutions such as birth certificates for primary school children in order to be registered as demanded by the Ministry of Education in Kenya locks out children who do not have it because their parents do not have any proof of identification of being Kenyan. For the children to acquire birth certificates, the parents must have an ID. This could be handled by targeted support to help the Shona bargain their way through the levels of education system in Kenya. Moyo reveals his worries for his children:

I have no way of getting birth certificates for my children and now the new regulation by the Ministry of Education to register pupils by their birth certificates complicates things for my children especially the ones in class eight. I have ten children and seven grandchildren and none of them has a birth certificate. I have had to ‘buy’ a parent for some of my children to represent me at their school so that they can continue learning. The money for school and ‘buying’ a parent is not easy to come by considering my many children.⁴⁴⁴

Munaita states that:

In the cases of school going children, UNHCR intervenes. The officer in-charge calls and meets the school heads to explain the plight of the Shona children. In the place of birth certificate number, they note the word ‘Shona’. However, this is not a permanent solution. It is only temporary because they are also waiting on the government to recognize the Shona so that their children can be registered.⁴⁴⁵

⁴⁴³ Oliver Muregerera, Oral Interview, Hurligham, Nairobi, 18th July, 2018.

⁴⁴⁴ Mike Moyo, Oral Interview, Kiambaa, Kiambu, 17th July, 2018.

⁴⁴⁵ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

The Shona, who are neither citizens nor refugees in Kenya should not be grouped with the other vulnerable groups such as refugees. Their concerns though similar to other vulnerable groups are not as general as portrayed. Refugees have a status and a refugee pass as identification.

The right to education as provided for in the in the Universal Declaration of Human Rights,⁴⁴⁶ the Convention on Stateless Persons⁴⁴⁷ and the Convention on the Rights of the Child⁴⁴⁸ is a challenge for the Shona. This is because they lack the necessary documentation to facilitate their education. Hence, a good number of the Shona children do not make it to school or training schemes. This has a negative effect in terms of accessing employment. To some extent, it can be said that they do not make it because of their own actions or inactions but in a large part the opportunities are too costly for them to afford. Cases of individual and structural discrimination at all the levels of the education system should be addressed so that they get access. Maposa narrates:

We train our children at an early age in carpentry, masonry and basket weaving so that they can work with their hands since they do not qualify for jobs in the formal economy because they lack necessary documentation, education and the experience for the jobs.⁴⁴⁹

Schools, training schemes and other learning institutions act as meeting points where immigrants are able to form social ties and bonds that strengthen their relationships with the host communities. Through such relationships, the Shona have been able to be integrated in Kenya. Education imparts skills and qualifications that build human capital and empower immigrants such as the Shona to take part in the economy of their host country.

Education is a gateway to employment opportunities that make immigrants active participants in the economy and productive members at the individual level, community and nationally. The field study shows that many of the Shona in Kenya have not been able to acquire even the basic elementary education but they are integrated albeit with a myriad of challenges due to lack of necessary documentation. The participants in the study had not gone beyond standard eight except for two who managed to go through secondary school and university at undergraduate

⁴⁴⁶ UDHR, 1948. Article 26.

⁴⁴⁷ Convention on Stateless Persons, 1954. Article 22.

⁴⁴⁸ Convention on the Rights of the Child, 1989. Article 29.

⁴⁴⁹ Mike Maposa, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

level but they had to abandon their kinship to acquire a Kenyan ID so that he could enroll into campus.⁴⁵⁰ Moyo reports that:

I took advantage of the political campaign period in 2013 and got an ID. Even though I am born of both Shona parents, I gathered courage and went to a registration centre in Nakuru and said that I did not know where my parents are. My mother had died earlier and I was left with my father at the time. So, the trick worked and I have been able to go through campus and obtained my degree in law.⁴⁵¹

The lack of education is closely tied to the unending cycle of poverty in which the Shona find themselves in. The lack of employment denies the parents an avenue to offer their children a good education and invest in their future. The youth never get a chance to realize their dreams of a brighter future. Juma expresses her concerns for their young ones who do not manage to further their studies. She says that her crochet business does not earn much to afford school fees and the daily needs of the home.⁴⁵² Moyo disagrees by noting that:

The Shona who have been to school (the formal education in Kenya from primary through to university) are seen as wayward people by those who ascribe to the Masowe Apostles religious beliefs. I am seen as a rebellious person since I do not keep a beard, I wear shorts and go to a different church. As such, some of them say I have lost track in life but I am optimistic. I intend to establish a libraries in the Shona villages so that young people like me can read. I encourage the young ones to embrace formal education whenever there is an opportunity because they will need it in future.⁴⁵³

In addition, the lack of education has adversely affected their quest for recognition by the Kenyan government. With no knowledge of where to start and how to start, the Shona find themselves in a vulnerable situation. It is the mandate of the Immigration Department to register them. Most of the participants in the interview do not know which office to visit and argue their case. The application for citizenship is done online and most of them are not computer literate. The elderly ones cannot make it to present themselves in person at registration venues. They

⁴⁵⁰ Mophat Moyo, Oral Interview, Ngara, Nairobi, 10th July, 2018.

⁴⁵¹ Ibid.

⁴⁵² Winnie Juma, Oral Interview, Githurai, Nairobi, 20th July, 2018.

⁴⁵³ Mophat Moyo, Oral Interview, Ngara, Nairobi, 10th July, 2018.

depend on the advocacy of the UN Refugee Agency so that the government of Kenya recognizes them.

The lack of documentation has an effect on the family set up for the Shona young men and women who intermarry with the Kenyan communities. Once married, either the wife or the husband in this case is not able to acquire Kenyan citizenship by marriage so they remain ‘legal ghosts’ as asserted by Munaita.⁴⁵⁴ The fact that they lack documents means the union is not recognized legally and a partner cannot claim custody of their children. Those who marry and hope to be citizens end up demoralized since the lack of formal identification persists. If they do not have a formal identity, then they cannot apply for citizenship whether they become wives and husbands of other Kenyan communities. The children they sire in the end inherit the statelessness of either the father or mother. Before the Constitution of 2010, women were not able to pass on their nationality to their children. Nationality could only be inherited from the father.

5.2 Employment

Access to employment opportunities for refugees and other migrants is essential to ensure their economic independence. Economic independence in return enables the affected groups, communities and individuals to plan for their future. Interactions with the host-community in the labour markets promote the development of language skills for the integrating groups and individuals and earns them a sense of belonging when they can speak the same language and understand each other as they pursue their business ventures.

Engaging in small scale businesses is easier for the refugees and other migrants since securing formal employment can prove challenging. This is because refugees or other immigrants may not be able to prove their work experience in a new country. They do not have the necessary paper work to back their claims. The paper work might have been lost during transit or burned in their houses during conflicts.

The 1954 Convention on Stateless Persons gives the stateless persons who are lawfully in a contracting state party to provide them with gainful employment as aliens while giving sympathetic considerations to those who are labour immigrants or persons under immigration

⁴⁵⁴ Wanja Munaita, Oral Interview, UNHCR-Westlands, Nairobi, 20th September, 2018.

schemes.⁴⁵⁵ The Convention does not spell out how sympathetic the host state must be to minorities whose statelessness like the Shona in Kenya is complex. They came as missionaries and are illegally stateless for the reason that when they surrendered their DC cards in 1978, no form of identification was given in its place and the vetting or screening process introduced in 1989.

Employment as a measure of economic advancement and good quality of life is important in the lives of stateless persons. The Shona in Kenya have not been able to get into the formal economy due to lack of necessary documentation. The ones who have been able to get menial jobs have had the challenge of maintaining the jobs since they are discriminated against because they lack the necessary documentation. Munaita explains that:

The requirement to get a certificate of good conduct has kept the Shona in Kenya from applying for some jobs that they are interested in. The lack of an ID has pushed them to menial jobs with meagre pay and they have had to endure discrimination with their basketry work and carpentry because some Kenyans order from them and fail to pay the agreed price. When they ask why, these people threaten them then disappear with their money. The UNHCR cannot intervene in such circumstances. This is the reason we presented the plight of the Shona to the government of Kenya.⁴⁵⁶

Naituri laments:

Low income jobs like the ones I have been able to get can only cater for my rent in the village in Kiambaa. I cannot rent elsewhere because the *matatu* tout jobs, *posho* mill operator, and hotel jobs did not last. I only made it to school until class six and the other jobs require higher academic qualifications than mine. So, I went back to carpentry. Even in carpentry it is not promising because I have no investments to be proud of.⁴⁵⁷

Moyo laments how their business opportunities have been snatched from them by middlemen and people who have exploited them:

At one time we had an agreement with some people we considered friends and fellow Kenyans. We put up a workshop, made nice tables, beds, chairs and other wooden items. We got many customers and business was going well. It did not last. They ran away with our equipment and left us to nurse our broken hearts and we could not report them. Who will listen to us during such times?⁴⁵⁸

⁴⁵⁵ Convention on Stateless Persons, 1954. Article 17 (1,2)

⁴⁵⁶ Wanja Munaita, Oral Interview, UNHCR, Westlands, Nairobi, 20th September, 2018.

⁴⁵⁷ Beevan Naituri, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁵⁸ Alfred Moyo, Oral Interview, Kaimbaa, Kiambu, 25th July, 2018.

Ndoro insists that the Shona are a self-sufficient people who are not after other people's jobs. He says:

All we want is to be recognized so our lives can be normal like every other Kenyan. We are tired of exploitation. We are a peaceful people and we live well with our neighbours. We just want to run our carpentry businesses, take our children to school and have a good life. We are not here to take anyone's job.⁴⁵⁹

The findings from the field show that most of the Shona are not in the formal economy in Kenya because they lack the relevant academic and work skills like other Kenyans. However, it should be noted that even the learned and qualified Kenyans fail to land the same jobs that the Shona would have. A UN report stated that, compared to other countries in East Africa- Tanzania at 24%, Rwanda at 17.1%, Ethiopia at 21.6% and Uganda at 18.1%; Kenya leads with an unemployment rate of 39.1%, unemployment rate of the population of working age.⁴⁶⁰ The United Nations Development Programme reports that four in every ten Kenyans of working age are not employed.⁴⁶¹

Geddes and others note that, the informal and casual labour market puts immigrants on the verge of fighting uncertainties of not being legal immigrants and vulnerability that breeds exploitation.⁴⁶² Ndoro further says:

We run our businesses well and the government does not harass us. The problem is the middlemen who exploit us. They buy our products cheaply but sell at very high prices. This we can take for now because we have no avenues to complain. Kenya has been good to us. We practice our religion peacefully. Kenya is a country in which freedom to practice one's religion is abundant. We have even planted churches in other parts of the country. We have churches in Kitale, Meru, parts of Luoland and Kambaland and the number of followers is increasing. Our church is for every tribe in Kenya and everyone in the world. We discipline our children thoroughly so that they do not cause havoc in the community.⁴⁶³

⁴⁵⁹ Benjamin Ndoro, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁶⁰ Kenya Human Development Report, 2017, UNDP. 2017.

⁴⁶¹ Ibid.

⁴⁶² Geddes, A., G. Craig, and S. Scott, *Forced Labour in the UK*.

⁴⁶³ Joseph Ndoro, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

Jones and others contend that owning businesses might be taken as a good marker for economic integration but it comes with a lot of challenges.⁴⁶⁴ Mpofu highlights some of the challenges they face in their day to day life as they run their businesses:

Doing business without documentation is challenging for us. When we make direct sales to individuals, sometimes they pay a portion then they disappear with the rest of the money plus the goods. So it is easier to sell cheaply to the middlemen who pay promptly though it is a throw-away price. We are assured of payment. We cannot take our case to anyone because yes we belong but we have no proof and nobody can fight for us. We have to keep surviving until the day the government officially recognizes us as Kenyans too.⁴⁶⁵

Employment in the formal economy as an indicator of successful integration does not apply in the case of the stateless Shona in Kenya. They have no access to formal employment. Hence, they opt to run their carpentry, dress-making and basket weaving businesses. Through their businesses they get their daily bread and sustain themselves as they wait for recognition from the government of Kenya. Tshuma confirms that, around forty Shona youth have made it through formal education. However, none of them have been able to access employment in the public service. Some youths work in the betting shops, others run their businesses as they practice the apprentice work passed on to them by their parents.⁴⁶⁶

The stateless Shona do not have access to humanitarian aid from UNHCR, they have to depend on themselves and their neighbours plus other people who do business with them. This indicates that the Shona participates informally in the Kenyan labour market. Employment therefore, remains a debatable domain in Ager and Strang's model as a pointer in integration theory in the case of the Shona in Kenya. Most of them opt for self-employment and other jobs which do not require a lot of scrutiny and documentation.

The Shona in Kenya experience an endless cycle of poverty due to limited access to the Kenyan economic market. The inability to access public sector employment due to lack of identification papers has been inherited from generation to generation. In order to acquire employment in the formal economy, an individual needs to get clearance from the Department of Criminal Investigation in the form of a certificate of good conduct, clearance from the Ethics and

⁴⁶⁴ Jones, T., S. Mascarenhas-Keyes and M. Ram, "The Ethnic Entrepreneurial Tradition," pp. 93-109.

⁴⁶⁵ Jonathan Mpofu, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁶⁶ Mxhlancano Tshuma, Oral Interview, Githurai, Nairobi, 17th November, 2019.

Anti-Corruption Commission (EACC), Higher Education Loans Board (HELB), Credit Reference Bureau (CRB) and a personal identification number from the Kenya Revenue Authority (KRA). All these documents cannot be accessed without the Kenyan ID card. Even those who have been able to get IDs have not managed to access employment in the formal sector.

The Shona face unemployment in masses. All the participants in the study had no formal employment. Even those with academic qualifications have not been able to access jobs in the public sector. Their sources of income came from masonry, basketry and carpentry for those who engage in the trade. They lament that they are exploited by Kenyan middlemen and women who buy their goods at cheaper prices and sell at higher prices. They cannot defend themselves from such injustices because they live in fear of what might happen next if they complain and if they complain then, to who? The lack of employment opportunities for the Shona put a strain on the family since one or both partners in the marriage cannot provide adequately for the family. Ishmael says that, the lack of documentation has adversely affected him as a young man. He cannot find employment so that he can save money for his future family.⁴⁶⁷

The exploitation has hindered the Shona from investing for their future. They operate every day from hand to mouth. Muregerera notes that the time they made the first application for citizenship they were told the process costs Ksh. 200 000. With a meagre salary from informal jobs and not being able to access loans demoralized them and they abandoned the process.⁴⁶⁸ They could not afford it and they cannot afford it currently.

5.3 Securing Housing

Ager and Strang note that access to housing for victims of forced displacement acts as the most important marker of integration.⁴⁶⁹ Housing provide safety, security and stability to individuals and groups on the run. It is the stability, safety and security that compelled the affected groups to flee their countries or a certain area of their country in the case of internally displaced persons (IDPs).

Housing has a social, economic and cultural impact on those who have fled their homes in search of safety and security. Having a stable place to call home allows individuals and groups to

⁴⁶⁷ Jeremiah Ishmael, Oral Interview, Kinoo, Kiambu, 28th July, 2018.

⁴⁶⁸ Oliver Muregerera, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 18th July, 2018.

⁴⁶⁹ Alastair Ager and Alison Strang "Understanding Integration," p. 171.

continue their relationships as families, friends and as a community and also as a country in the long run. Glover and others note that housing offers both physical and emotional comfort when victims of forced displacement are able to ‘feel at home’.⁴⁷⁰

The Shona note that, access to housing in the areas they live in Githurai, Kiambaa, and Kinoo gives them a sense of stability. From their homes, they can find ways to do their businesses and run other aspects of their lives and their families. Kagendo says that she weaves her baskets in her house in Kiambaa and waits for the middlemen to come buy them from her.⁴⁷¹ This indicates that housing facilitates employment for the Shona to cater for their needs. However, the inability to secure employment which hinders them from investing for their future and the low income they get from their baskets and carpentry work restricts them to low-quality houses in the villages. Nekesa says that she has lived with the *Wazambia* in Kinoo for a very long time. She also knows that most of them live in Kiambaa and Githurai and that their women weave very neat and beautiful baskets.⁴⁷²

Marslow ranks shelter alongside food and clothing in his hierarchy of needs. These are the basic needs people must have after which they can work to obtain higher needs. Naituri narrates:

I would like to live in town but the menial jobs I get earn me very little money and so I cannot afford the rent of the flats in the town.⁴⁷³

Dube reiterates:

For the forty three years I have been in Kenya, living in the village in Kinoo has been my portion. Kinoo is my home. My workshop is here but this does not mean that I do not want to live elsewhere. The lack of documentation has hindered me and my kinsmen from acquiring land so that we can build our own houses. We have been renting houses since.⁴⁷⁴

The lack of job opportunities and low incomes from small scale businesses and also lack of housing policies for migrants and minority groups drive them to deprived neighbourhoods. Lack of employment has concentrated the Shona in poor housing areas where they have to share sanitary

⁴⁷⁰ Glover S. Gott, C. Loizillon A. Portes J. Price R. Spencer S. Srinivasan V. and Willis C., *Migration: An Economic and Social Analysis*, RDS Occasional Paper No. 67 (Home Office: London, 2001)

⁴⁷¹ Lydia Josephine Kagendo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁷² Caroline Nekesa, Oral Interview, Kinoo, Kiambu, 25th July, 2018.

⁴⁷³ Beevan Moyo-Naituri, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

⁴⁷⁴ Samuel Dube, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

facilities like toilets and bathrooms in the village. This rouses disaffection and poor health. Ramson expresses her disillusionment:

We have to share pit latrines and bathrooms with everyone else because these houses do not have toilets and bathrooms inside the houses. This is not safe because some neighbours do not clean the shared bathrooms and latrines. This can cause and spread diseases like cholera especially to the young ones.⁴⁷⁵

The stateless Shona who are undocumented immigrants suffer from poverty exposing them to low quality housing in location and conditions. They choose to stay in the areas they do because their people live in the same areas and in the event that one of them has a problem then the community comes to their aid. Kapota narrates his ordeal with the police:

I have been arrested severally by the police especially at night when I come from the workshop in Kiambaa market. Were it not for my community who I live with and understand our situation, I would not get out. My neighbours have always come to help me and explain to the police whenever they ask for an identity card that we do not have. And then they let me go. The truth about being identity-less in a country I have known to be home is that I feel like a walking dead. I cannot even defend myself. I have to call a group of people from my community to come to my defense.⁴⁷⁶

Mumbi thinks otherwise:

The police do not usually harass us because they know us by our religion and dressing. I have never been arrested.⁴⁷⁷

Moyo says:

I would like to own a piece of land and build my own house so that I do not have to rent but being undocumented denies me the chance to do so. I cannot access a loan from the bank or even Mpesa. Initially our landlords did not trust us. Some used to harass us but they are gone now. We have lived together for a long time now. We do not have problems with the landlords anymore, except when the rent delays which is normal when you are renting someone's house.⁴⁷⁸

The Shona accessed housing in the three areas after experiencing hostility from their initial place of residence in Ngong. They moved to parts of Kiambu County in 1973 and found peaceful neighbours. Those who joined the mission work later on also settled amongst their own in the

⁴⁷⁵ Zipporah Ramson, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

⁴⁷⁶ Ben Kapota, Oral Interview, Kiambu, Town, 31st July, 2018.

⁴⁷⁷ Anesu Mumbi, Oral Interview, Githurai, Nairobi, 20th July, 2018.

⁴⁷⁸ Alfred Moyo, Oral Interview, Kiambaa, Kiambu, 25th July, 2018.

areas. Ideally, migrants with the Shona as a case in point, settle amongst or near their own communities or even people from their own countries.

Settling within or near co-ethnic people or families helps with the integration since they get help from their families or ethnic group to start a foundation in their new 'homes'. The co-ethnic people orient the new arrivals on the local cultural values and opportunities for them to navigate through life. Ncube says:

When my parents came with me to Kenya and my other five siblings, we found our own people who welcomed us where they live in Kiambaa. They told us about the place and how we needed to live so that we can build a life for ourselves and continue the missionary work. This helped us a lot. We have been living in peace ever since.⁴⁷⁹

Housing and choice of area of settlement therefore, enhances community safety, stability and an avenue for the Shona to practice their religion as a community. Shelter as a basic need offers social and physical security, they offer family reunion and in a great extent strengthen community ties.

Phillimore points out that national authorities do not cater for the diverse housing needs of their own populations as well as those of migrants. In the case of undocumented migrants running small businesses or taking up menial jobs have no other options but to choose low quality housing in overcrowded areas like slums or in the village where they can manage to pay rent.⁴⁸⁰ The houses are privately rented. With no regulations by any local or national authority, the tenants face exploitation. The tenants live at the mercy of their landlords, renting small size low quality houses at higher prices. Kenya has no housing policies for minorities, refugees or even stateless persons. The Shona have to find their own ways of renting houses in the areas they can afford and continue with their missionary work. They depend on each other as a community and do their businesses as one.

5.4 Access to Health Services

Healthcare ranks high on the list on human rights for all people. It is a vital right and a necessity. The equality in dignity and rights as provided for by the UN Declaration on Human

⁴⁷⁹ Juana Ncube, Oral Interview, Gospel of God Church, 28th March, 2019.

⁴⁸⁰ J. Phillimore, "Housing Home and Neighbourhood in the Era of Super Diversity," *Housing Studies* Vol. 28. No. 5 (2013), pp. 682-700.

Rights prohibits discrimination based on race, religion, political affiliation, nationality or social origin, birth among other status.⁴⁸¹ The right to a living standard adequate for well-being and health for a person and their family enabling them to obtain the basic needs such as housing, food, clothing, medical care and essential social services⁴⁸² that facilitates integration for immigrants into their host country and receiving societies.

Access to health services and facilities offers protection to individuals and groups from diseases and unhealthy way of life. A healthy person is able to engage actively in the affairs of the community be it community service, or other activities. Good health means one is able to pursue his/her education and even search for an employment opportunity or run their businesses without physical hindrances.

Health care is dependent on the financial capability of migrants and citizens of the country. The lack of finances affects access to quality health care services. In turn this has a negative effect on accessing employment and education as other indicators of integration. In the event that a person is not healthy and strong enough to fend for their daily needs, they cannot afford to pay their rent.

Health care services in Kenya are provided by the government and other privately insured providers. Public health care is under NHIF for those in formal employment and those who can manage to individually pay for the monthly contributions. The NHIF scheme requires an individual to register with a national identity card. As discussed elsewhere, the Shona in Kenya do not enjoy the benefits of effective nationality, most of them do not have an ID card. Hence, access to the NHIF scheme services is a challenge. The lack of resources hence, inadequate finances to access medical services and the fact that they are an undocumented group puts them in a precarious situation.

Since the Shona do not get humanitarian assistance from UNHCR except for legal protection, their ability to access quality health care in Kenya depends on their incomes. Based on the field work, most of them have no access to formal employment. They cannot get the subsidized NHIF health insurance and certainly cannot afford the privately insured services. Their options are

⁴⁸¹ UDHR, 1948. Article 2.

⁴⁸² Ibid. Article 25.

limited to the public hospitals if they can afford to pay or the local clinics in the areas they live in or the community-based health facilities funded by NGOs.

Ramson says that she has been able to access medical services at Kiambu Level Five hospital. Accessing the hospital is not had for her because she can afford it with her meagre income from her basket-weaving business. She has had no major illness that requires her to be admitted at the hospital. However, she says the hospital is overcrowded, “the people who go to Kiambu hospital are very many. I have to go very early in the morning so that at least I leave by mid-day.”⁴⁸³ This is the same to other public hospitals. A good number of Kenyans cannot afford to go to private health facilities.

The lack of documentation subjects them to administrative barriers while in the medical facilities. At times, they have to wait longer than others since finding their documentary evidence in the hospital system is non-existent. Katiba points out that the lack of a Kenyan ID puts them on the hospital benches longer than everybody else because the doctors have to call the hospital management to consult before treating them. She says:

They know we do not have ID cards so, we are told to wait for someone else to write down our names in a certain book. From there, they treat us and give us a piece of paper to carry with us.⁴⁸⁴

Abongo identifies language barrier as a hindrance in accessing health care in the case of the Southern Sudanese refugees in Kenya.⁴⁸⁵ In the case of the Shona, language is not a problem since they speak Kiswahili and local languages such as Kikuyu, Luo, Luhya and Kimeru fluently.

Alternatively, the Shona supplement their health care needs with prayers. Kimas says that their prophets, evangelists and pastors have the ability to pray for people and they get healed.⁴⁸⁶ Their spirit type church offers them spiritual guidance in all that they do. Even though the church does not prohibit them from accessing health care from the modern health facilities, they are advised by their church elders to seek spiritual help before embarking on other ways to find healing.

⁴⁸³ Zipporah Ramson, Oral Interview, Kinoo, Kiambu, 31st July, 2018.

⁴⁸⁴ Edna Ramson-Katiba, Oral Interview, Kinoo, Kimabu, 31st July, 2018.

⁴⁸⁵ Lilian Abongo, *Understating Refugee Integration: The Case of the Southern Sudanese Refugees in Kenya 1960-2005* (MA Project, University of Nairobi, 2015), p. 81.

⁴⁸⁶ Kimas Amos, Oral Interview, Gospel of God Church, Hurligham, Nairobi, 22nd July, 2018.

Kibunja, the area assistant chief in Kinoo observes that the Shona women of child bearing age always go to the clinic for antenatal care until the day of the birth of the child which is undertaken by the Shona midwives in the areas they live in.⁴⁸⁷ No child is born in the hospital. It is their practice to do so. In such cases, the Chief's office records a birth but does not give birth certificates since the parents do not have a Kenyan identification documentation.

5.5 Conclusion

Ager and Strang's model of integration has provided the four indicators: foundation which is composed of rights and citizenship, facilitators comprised of language and cultural knowledge, safety and stability, social connections and markers and means. These indicators act as the face of integration for victims of forced displacement. The means and markers: employment, education, access to health services and housing embody the major areas recognized as significant factors in the integration process. While the markers are used as a measure of successful integration and the positive outcomes as a means to aid the wider integration process, the case of the Shona in Kenya can be termed as partial integration. This is supported by the results of the field study indicating successful integration in the social domain. The Shona in Kenya are eloquent in the local languages of the areas they live in, majorly Kikuyu. They are also proficient in Kiswahili which is the national language of Kenya. This has enabled them to forge social bonds and links, conduct small-scale businesses and participate in community activities. However, the domain of rights and citizenship which is the foundation of the process of citizenship seems to be a challenge. Using the markers and means, the study found out that the access to health, education and housing are dependent on the incomes of the Shona in Kenya. The earnings come from menial job opportunities which the Shona have limited access to because of lack of recognition and citizenship. To expand their trading activities and carry out their missionary work, the Shona in Kenya have migrated to other parts of Kenya: Butere, Maralal, Meru, Oloitoktok, Nakuru, Nanyuki, Kitui, and Mombasa.

In spite of the limited access to education, employment opportunities, health services and housing their quest to gain citizenship has not waned. If acquiring citizenship which Ager and Strang argue is the foundation of integration then the Shona in Kenya are not fully integrated into the Kenyan society. A point to note is that integration is a contested term and applies in a given

⁴⁸⁷ Paul Karanja Kibunja, Oral Interview, Kinoo Division Office, Kinoo, Kiambu, 1st October, 2018.

context and is a continuous process. In the context of the Shona in Kenya, this study concludes that they are partially integrated and having lived in Kenya for almost six decades does not amount to integration as per Ager and Strang's model.

Chapter Six

Conclusion

The study set out to evaluate how the Shona in Kenya identify themselves having lived in the country for almost six decades. The Shona came to Kenya as missionaries in the early 1960s with the identity of British subjects using the British passport. From their own stories and evidence, the first thirteen came for religious reasons then the others followed for the same reason. At the time of arrival, Kenya was still under colonial rule as such, all Kenyans had the same identity as British subjects. They came for religious reasons. The Shona came under the outfit of the Gospel of God Church-an African indigenous church founded by their Prophet Johane Masowe at Mount Marimba in Rusape District in present day Zimbabwe. They came to Kenya as a fulfilment of prophecies of their founder that Kenya is their Promised Land and Nairobi their holy city and evangelical headquarter. Results of the field work show that they did not go back to their countries of origin- Zimbabwe and Zambia. Initially they settled at Ngong near what became Zambia Stage and later moved to Kiambaa, Kinoo in Kiambu County and Githurai in Nairobi County. They have since planted churches in other parts of the country and found followers who share in their religious beliefs. The Shona come from southern Africa and can be found in over four countries as indicated in chapter one on the historical background. However, the ones in Kenya trace their roots from Zimbabwe.

The first group to arrive did not apply for Kenyan citizenship based on the fact that they came to do their missionary work and the authorities did not question them. Some of the Shona surrendered their British passports to the authorities when Kenya attained her independence in December 1963. In fact, President Jomo Kenyatta's government registered their church and gave them a permit and they bought their church premises at Hurlingham in Nairobi in 1967. Some were granted the District Commissioner's identity card which they later surrendered to President Moi's government in 1978. Rampant arrest and harassment by the police put them in precarious situations during the Moi regime. Moi's government pinned the insecurity and the proliferation of small arms and light weapons on the foreigners and the large flight of refugees which was coming into Kenya in the late 1980s and the early 1990s. The warm welcome and the conducive atmosphere they enjoyed as they ministered the word of God during Kenyatta's time can only be felt in their stories.

On the Shona identity in Kenya, they identify as citizens but they are not recognized as an ethnic community in Kenya. Kenya being a country that grants citizenship by birth, registration and naturalization and also by marriage and adoption has not been able to give a civil identity to the Shona in the country. The Shona insist that they are Kenyans by birth but still they cannot be registered since citizenship by birth must be inherited from either parent. Upon attaining the age of eighteen years, a person is required by the Kenyan Registration of Persons Act 1947 revised in 2015 to apply for an ID. In Kenya, for one to prove belonging and blood ties to Kenya, a person must provide the ID cards of their parents or death certificates for deceased parents who must bear Kenyan identity. The proof must come from parents ID cards or death certificates and the individual must have accompanying documents such as baptismal cards, school leaving certificate and in some a cases for persons who come from counties bordering other countries or those not considered to be indigenous Kenyan ethnic groups, a letter from the area chief is required. These requirements make citizenship by birth more challenging to acquire for individuals and communities such as the Shona who claim to belong yet their roots lie in Southern Africa. Conversely, why would Kenya grant citizenship to the 2000-3000 Shona in Kenya and exclude the other groups? Is their religious connection to Kenya a valid claim?

Furthermore, the legal and administrative requirements by the Kenyan government registration department have locked the Shona out from acquiring a Kenyan legal status. In spite of living in Kenya for almost six decades, the Shona do not qualify for nationality. Their quest for a Kenyan nationality has been a struggle for the last forty years. Having held the British passport, and the District Commissioner's card in the past until 2001, two respondents hold certificates of registration/nationality while some hold outdated alien cards given by the immigration department, the study wonders, are these not proof of Kenyan documents that qualifies them to acquire IDs? Is their recognition pegged on Kenya's political good will or commitment to uphold their human rights? For this study, the failure to overlook such critical documents from the individual Shona people who have fought long and hard to acquire national identification documents demonstrates a violation of their human rights and the right to belong. The disregard of the provisions of the Constitution of Kenya 2010 and the Citizenship and Immigration 2011 makes the Shona a *de facto* stateless persons in Kenya. They are illegally stateless in Kenya. Thus, the Shona are only entitled to legal aid in terms of protection from harassment from the police, or that the UNHCR protection officers for statelessness vouches for them in schools where their children are should the school

administration ask for birth certificates or identity cards of the parents which they do not have. The UNHCR also negotiates for them to acquire the nationality of their host state which is solely the decision of the government. The Shona in Kenya are not entitled to humanitarian aid like the refugees in camps. It can be argued that they are village refugees in the areas they live in. However, this is not the case because they do not meet the definition of the term 'refugee' in the Refugee Convention of 1951 and the OAU definition.

In addition, statelessness is a global problem and the persons affected face a myriad of challenges in their host societies. Although their rights as stateless persons are similar to other human beings as spelt out in the Universal Declaration of Human Rights, they live and exist unrecognized in their host countries. The Convention Relating to the Status of Stateless Persons 1954 and the Convention on Reduction of Statelessness 1961 provide the framework under which stateless persons should be treated based merely on 'sympathetic considerations' of the host country. As of the end of 2017, Kenya has not acceded to any of the two Conventions. Therefore, the Shona claiming rights as stateless persons in Kenya is squarely based on the basic, inherent and equal human to a nationality.

Further, the quest of the Shona for formal recognition has been a long continuous battle. Their hope was renewed when the President of Kenya formally recognized the Makonde and the Indians in Kenya in February 2017 and July 2017 respectively. These groups have been living in Kenya since the early 1900s. They were brought by the British during the colonial period. The precedence set by the President gave the Shona hope of being recognized by the Kenyan government. Banking on the good will of the government of Kenya is one of the ways the Shona ride on in Kenya since they do not identify with the southern African countries where their roots lie.

As a result, the Shona devised coping mechanisms. The Shona in Kenya have resorted to taking local names in order to lie their way into getting IDs. Five of the respondents admitted to this and noted that it is their way of survival in the areas they live in. Most of the respondents with children were forced to give their children to other families in their neighbourhood in order to access school bursaries, birth certificates and IDs. In return, they paid these families a certain sum of money for the 'favour'. They also practice small-scale businesses such as basket-weaving and crocheting for the women and carpentry for the men.

The Shona in Kenya have integrated into their host communities to some extent. They have limited access to Ager and Strang's four primary indicators of integration. Namely: education, health, housing and employment. Their access to these is to a limited extent considering that they have not been formally recognized as Kenyans and thus they cannot acquire the primary document, that is, the identity card which can enable them register their businesses and access other services as citizens. The field work shows that most of the participants in the study have not been able to access basic elementary education which is listed as a basic human right in the UDHR 1948. The lack of basic elementary education is attributed to the fact that most families have not been able to keep their children in schools due to lack of finances. The small-scale businesses run by their families cater for the daily up-keep of the family but not school fees for the children of school going age. The two who managed to go through primary and secondary school had parents who lied to get Kenyan identity documents in order to access bursary for school fees.

The Shona access to health facilities in Kenya is dependent on their income. They are able to seek medical attention from the public hospitals albeit with difficulties just like the other Kenyan citizens who are not able to afford private hospitals. The overcrowding in the public health facilities and their lack of documentation as Kenyans keeps them longer in the hospitals. They also access spiritual help from their church elders who pray for them for free. Shona women can access antenatal care from the public hospitals and the community based clinics but deliver their babies at home. They have traditional birth attendants experienced for the job.

Housing as an indicator of integration can be said to portray a successful integration of the Shona into Kenya. The Shona access to housing depends on their incomes as individuals and families. Based on the results from the field, all the Shona participants admitted that they can access housing in the villages where they live because the rent is lower than the flats in the towns where some of them said they would want to live in the future. Another reason they appreciate the housing in the villages is that it gives them a solidarity as a community since they live together and can defend one of their own once they get into trouble with the police or the local communities who are not Shona. This enhances their social ties among themselves and with their local hosts. Living in the villages also permits them to run their small-scale businesses. The women can weave their baskets and the men can run their carpentry workshops in the shopping centres in the villages. Somewhat, they have stable homes in Kinoo, Kiambaa and Githurai.

On employment, the Shona in Kenya have opted to pass on their skills in carpentry, basket-weaving and tailoring to their children for them to fend for themselves with their own hands. How significant is their economic contribution in Kenya? The lack of documentation has kept them away from school and other business ventures which require an ID card. They cannot even register their businesses. As a result they face exploitation from a section of Kenyans who take advantage of them while buying their wares at throw-away prices or run after making a purchase and fail to pay.

Another observation is that the girl child in the Shona community in Kenya is married off at a very early age before the legal age of 18 years. Most of the young women interviewed married while under age. The area assistant chief in Kinoo confirmed this and informed the study that they have had problems with this issue. So, the divisional office in Kinoo has had to educate them on taking their children to school and letting the girls attain the legal age of 18 years of marriage according to the Kenyan law. This is not to say that child marriage does not happen in other communities in Kenya or other parts of the world. The Kenyan Marriage Act 2014 allows men and women of eighteen years and above to marry. The United Nations Children's Fund (UNICEF) reported in 'State of the World's Children 2017,' that, 23% of children in Kenya are married by the age of eighteen and 4% by the age of 15 years. Child marriage in Kenya and across the world is pegged on cultural traditions, religious customs, poverty, dowry and bride price, social pressures, illiteracy and the perception that women cannot work and must be supported by men. In the case of the Shona in Kenya, religious customs fuel child marriage.

The Shona question in Kenya is plagued by a number uncertainties. While the Kenyan identification regime specifically the Constitution of 2010 and the Citizenship and Immigration Act, 2011, accord them citizenship by birth, the Kenyan identification regime is a pendulum swinging between *jus soli* and *jus sanguinis* citizenship requiring them to prove their place of birth and that of their parents. Their religious connection to Kenya as Masowe apostles poses the question: is their religious claim adequate for them to acquire recognition and citizenship in Kenya? Are they a social burden in Kenya? The Gospel of God Church under which the Shona in this study are instituted in was registered in Kenya in 1967 under the Societies Act of Kenya. The African indigenous church is a prophetic healing church based on prophecies Of Johane Masowe. Compared to other indigenous churches in Kenya for instance the *Dini ya Msambwa, Nomiya*

Church and *Legio Maria* used by Africans to express discontent towards Christianity brought by missionaries from Europe, the Gospel of God Church incorporates teachings of their founder and those of the holy bible in the same manner as the other churches. The Gospel of God Church does not share the politico-religious sectarian overtones held by the *Mungiki* sect which was outlawed by the government of Kenya in 2002. Moreover, during the field study the respondents admitted to refrain from political activities and noted that even if they get access to Kenyan identification documents they will not be taking part in the electoral process because the Church does not allow them to. On the contrary, engaging in the political process depends on an individual and they will have to make the decision as individuals.

The politics of identity surrounding the Shona in Kenya cuts across religion, a sense of belonging and the national interest of the Kenyan state. Identity is a fluid concept and changes over time and in different environments. In the case of the Shona, having lived in Kenya for almost six decades what attachment do they have to their ancestral home? Religion and language was the response. For them, being Amashona means practicing their religion as indicated in the doctrine of the Gospel of God Church and able to speak Chishona which is their language. Acquiring a legal status in Kenya is their human right and they say they know so because the Constitution of Kenya 2010 accords them citizenship by birth. Not being Shona in Kenya for them means they cannot claim a religious connection and it would also mean recognition by the government of Kenya and the citizenship they have been denied through political and administrative means that this study cannot pin point.

This study, therefore, finds that the Shona in Kenya are neither citizens nor refugees. Their state of *de facto* statelessness in Kenya is buried in the intricate politics of recognition based on ethnic intractability and administrative processes that run deep within the Kenyan identification regime and the national interest of Kenya.

The Shona in Kenya identify as Kenyans. They base their claim on citizenship by birth and having lived in the country for nearly six decades for the second generation and their subsequent generations. Their efforts to acquire a legal status as Kenyan citizens over the last forty years has been met by various administrative and legal challenges. Citizenship by birth requires one to prove that their parents are Kenyan citizens and the Shona in Kenya cannot get this proof since they have inherited statelessness from the first generation of the Shona who arrived in Kenya in 1960.

The Citizenship and Immigration Act 2011 is the only document that permits stateless persons in Kenya to apply for citizenship. The Act has as a requirement, that an individual must have been living in Kenya legally before December 1963. The Shona came to Kenya in 1960. Their case is that of *de facto* stateless persons who are not directly addressed in the Convention Relating to the Status of Stateless Persons and the Convention on Reduction of Statelessness. The case of the Shona is a complex situation. They are illegally stateless in Kenya. The Constitution of Kenya, 2010, accords them citizenship by birth but lack of documents is a challenge for them to access IDs.

The government of Kenya has not acceded to the two Conventions on Statelessness. The government of Kenya requirement for citizenship by birth to be proven beyond any reasonable doubt through parents' documentation locks out people who qualify for citizenship making them stateless in a country they call home and such is the case of the Shona in Kenya. The vetting of individuals belonging to communities labelled non-indigenous accelerates the situation thereby slowing the pace of eradicating statelessness in Kenya because it is discriminatory and the verdict lies with the registration officer handling the application documents.

Finally, the Shona in Kenya need to engage legal measures, legislature, international minority rights lobbyists, political engagements and more economic interactions to secure citizenship and a future for the subsequent generation of the Shona in Kenya. They need a clear strategy, one that calls the country to attention of their plight as stateless persons and that give effect to the Constitution of 2010 and the Citizenship and Immigration Act of 2011.

References

Primary Sources

Oral Interviews

Shona Respondents

Oliver Muregerera, male, age: 58, Secretary General Gospel of God Church- East Africa Region, Hurlingham, Nairobi, 18th July, 2018

Kimas Amos, male, age: 56, Pastor- Gospel of God Church- Hurlingham, Nairobi, 22nd July, 2018

Ndoro Benjamin, male, age: 52, Shona Village Elder, Kiambaa, Kiambu, 25th July, 2018

Jonathan Mpofo, male, age: 56, Shona Village Elder, Kiambaa, Kiambu, 25th July, 2018

Zephaniah Muungani, age: 50, Shona Village Elder, Kinoo, Kiambu, 17th May, 2018

Alfred Moyo, male, age: 40 Kiambaa, Kiambu, 25th July, 2018

Christopher Muza, male, age: 25 Kiambaa, Kiambu, 25th July, 2018

Beevan Moyo-Naituri, male, age: 40, Kiambaa, Kiambu, 25th July, 2018

Johnson Michobo, male, age: 21, Kiambaa, Kiambu, 25th July, 2018

Lydia Josephine Kagendo, female, age: 38, Kiambaa, Kiambu, 25th July, 2018

Mama Moyo, female, age: 90, Kiambaa, Kiambu, 25th July, 2018

Zipporah Ramson, female, age: 25, Kinoo, Kiambu, 31st July, 2018

Edna Ramson-Katiba, female, age: 40, Kinoo, Kiambu, 31st July, 2018

Ishmael Mkwonyo, male, age: 50, Kinoo, Kiambu, 31st July, 2018

Mophat Moyo, male, age: 28, Ngara, Nairobi, 10th July, 2018

Mofat Nguabi, male, age: 89, Kinoo, Kiambu, 31st July, 2018

Mike Moyo, male, age: 27, Kinoo, Kiambu, 27th July, 2018

Ramik Moyo, male, Kinoo, Kiambu, 27th July, 2018

Mushawa Ndoro, male, age: 48, Kiambaa, Kiambu, 27th July, 2018

Juana Ncube, female, age: 74, Gospel of God Church, 18th July, 2018

Rufaro Kapota, male, age: 23, Kiambaa, Kiambu, 25th July, 2018

Elija Mwangi Achija, male, age: 52, Kiambaa, Kiambu, 27th July, 2018

Anesu Mumbi, female, age: 22, Githurai, Nairobi, 20th July, 2018

Michael Maposa, male, age: 37, Kiambaa, Kiambu, 25th July, 2018

Ben Kapota, male, age: 32, Kinoo, Kiambu, 21st July, 2018

Teresia Maposa, female, age: 26, Kiambaa, Kaimbu, 29th July, 2018

Margaret Maposa, female, age: 58, Kiambaa, Kiambu, 29th July, 2018

Elizabeth Moyo, female, age: 39, Kiambaa, Kiambu, 29th July, 2018

Kaleine Kachioki, male, age: 35, Gospel of God Church, Hurligham, Nairobi, 22nd July, 2018

Simon Moyo, male, age: 33, Gospel of God Church, Hurligham, Nairobi, 18th July, 2018

Samuel Dube, male, age: 55, Kinoo, Kiambu, 31st July, 2018

Ishmael Dube, male, age: 45, Kinoo, Kiambu, 28th July, 2018

Ishmael Thamini, male, age: 48, Kinoo, Kiambu, 28th July, 2018

Ishmael Sibindi, male, age: 26, Kinoo, Kiambu, 28th July, 2018

Jeremiah Ishmael, male, age: 24, Kinoo, Kiambu, 28th July, 2018

Effsie Stephen, female, age: 53, Kiambaa, Kiambu, 31st July, 2018

Evaline Mwangi, female, age: 37, Githurai, Nairobi, 20th July, 2018

Joska Chinyinga, female, age: 50, Githurai, Nairobi, 20th July, 2018

Winnie Juma, female, age: 40, Githurai, Nairobi, 20th July, 2018

Boaz Juma, male, age: 53, Kinoo, Kiambu, 31st July, 2018

Dickson Mvuvu, male, age: 57, Githurai, Nairobi, 20th July, 2018

Otitia Kenes Chirera, female, age: 57, Hurligham, Nairobi, 18th July, 2018

Enesia Motsi Gathoni, female, Kinoo, Kiambu, 27th March, 2019

Sheba Die Tshuma, female, Kiambaa, Kiambu, 15th May, 2019

Esther Raneni Katiba, female, Kinoo, Kiambu, 17th May, 2019

Christopher Muza, male, age: 26, Kiambaa, Kiambu, 27th March, 2019

Mxhlancano Tshuma, male, Githurai, Nairobi, 17th November, 2019

Non-Shona Respondents

Gabriel Miringu, male, age: 34, Kiambu Town, 13th July, 2018.

Wanja Munaita, female, UNHCR – Assistant Protection Officer on Statelessness, Westlands, Nairobi, 20th September, 2018

Njoroge Mutua, male, age: 32, Kiambu Town

Charles Kisame, male, age: 32, Nairobi Town

Karanja Kibunja, male, Assistant Chief Kinoo Sub-County, Kiambu, 24th September, 2018.

Anthony Kinuthia, male, Nyumba-Kumi Initiative Officer Kinoo Sub-County, Kiambu, 24th September, 2018

Calleb Gikombo, male, age: 28, Ngara, Nairobi

Peter Akweywa, male, age: 44, Upper Hill, Nairobi, 13th July, 2018.

Rusela, female, Embassy of Zimbabwe in Kenya, Runda, 25th September, 2018.

Ndururi Mwangi, male, age: 26, Githurai, Nairobi, 20th July, 2018

Esther Muthoni, female, age: 32, Kinoo, Kiambu, 20th July, 2018

Mary Wambui, female, age: 30, Githurai, Nairobi, 20th July, 2018

Anne Nyokabi, female, age: 34, Kiambaa, Kiambaa, 20th July, 2018

Caroline Nekesa, female, Kinoo, Kiambu, 25th July, 2018

Susan Muthoni Njagi, Kinoo, Kiambu, 17th May, 2019

Doris Kendi Mati, female, Kiambaa, Kiambu, 15th May, 2019

Bibliography

Books

- Adebayo, Akanmu Gafari, *Managing Conflicts in Africa's Democratic Transitions*, eds. Maryland: Lexington Books, 2009)
- Alao, Abiodun. *Natural Resources and Conflict in Africa: the Tragedy of Endowment* Vol. 29 (New York, Rochester: University Rochester Press, 2007)
- Arrighi, Giovanni, *The political economy of Rhodesia*. Volume 16 (The Hague Mouton, 1967).
- Ashmore, Richard D., Lee Jussim, and David Wilder. *Social identity, intergroup conflict, and Conflict reduction*. Vol. 3. (Oxford: Oxford University Press, 2001)
- Anderson, David, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (London: Weidenfeld and Nicolson, 2005)
- Andreassen, Bård Anders, and Arne Tostensen, *Of Oranges and Bananas: The 2005 Kenya Referendum on the Constitution* (Bergen: Chr. Michelsen Institute, 2006)
- Ball, Terence, Farr, James, and Russell L. Hanson, ed., *Political Innovation and Conceptual Change*, Volume 11 of Ideas in Context, (Cambridge: Cambridge University Press, 1989).
- Bauböck, Rainer, 'Citizenship and Migration- Concepts and Controversies' in *Migration and Citizenship: Legal Status, Rights and Political Participation*, edn, (Amsterdam: Amsterdam University Press, 2006)
- Beiner, S. Ronald, Ed. *Theorizing Citizenship*, (Albany: State University of New York Press, 1995)
- Bennett, C. J., and D. Lyon, *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*, (New York: Routledge, 2008b)
- Bennetta, Jules-Rosette, *The New Religions of Africa*, (Norwood, NJ: Ablex Publishing, 1979)
- Bhaba, H., *The Location of Culture*, (London: Routledge, 1994)
- Blitz, Brad K., and Maureen Lynch, *Statelessness and the Benefits of Citizenship: A Comparative Study*, (Geneva: Oxford Brooks University, 2009).
- Bosniak, Linda, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (New Jersey: Princeton University Press, 2008)
- Bogaerts, Els and Remco Raben, *Beyond Empire and Nation: The Decolonization of African and Asian Societies, 1930s-1970s*, eds. (Leiden: KITLV Press, 2012)

- Bourdillon, Michael F. C., *The Shona Peoples: An Ethnography of the Contemporary Shona, with Special Reference to Their Religion*, Vol. 1 (Gweru: Mambo Press, 1987)
- Caplan, Jane and John Torpey, *Documenting Individual Identity*, eds. (Princeton and Oxford: Princeton University Press, 2001)
- Chan, Stephen and Julia Gallagher, *Why Mugabe Won: The 2013 Elections in Zimbabwe and Their Aftermath*. (Cambridge: Cambridge University Press, 2017)
- Chavhunduka, G. L., "Traditional medicine and Christian beliefs," ed. Michael F.C. Bourdillon, *Christianity South of the Zambezi* Vol. 2. (1977)
- Clarke, John, Kathleen Coll, Evelina Dagnino and Catherine Neveu, 'Imagining the 'Communities' of Citizenship in *Disputing Citizenship* (University of Bristol: Polity Press, 2014)
- Danver, Steven L., *Native Peoples of the World: An Encyclopedia of Groups, Cultures and Contemporary Issues* (New York and London, 2017)
- Dillon-Malone, Clive Mary, *The Korsten Basketmakers: A Study of the Masowe Apostles, an Indigenous African Religious Movement* (Manchester, UK: Manchester University Press, 1978)
- Doke, Martyn Clement, *A Comparative Study in Shona Phonetics* (Johannesburg: University of the Witwatersrand Press, 1931)
- Gwinyayi, A. *Zimbabwe's Constitutional Reform Process: Challenges and Prospects* (Wynberg: Institute for Justice and Reconciliation, 2012)
- Erikson, E., *Identity, Youth and Crisis* (New York: W.W. Norton, 1968)
- Favell, A., *Philosophy of Integration. Immigration and the Idea of Citizenship in France and Britain* (Basingstoke: Macmillan, 1998)
- Fisher, J. L., 'Decolonizing Settler Citizenship' in *Pioneers, Settlers, Aliens, Exiles: The Decolonization of White Identity in Zimbabwe* (ANU Press, 2010)
- Gatheru, Mugo R., *Kenya: From Colonization to Independence, 1888-1970* (Ann Arbor: McFarland and Company, 2005)
- Geddes, A., G. Craig, and S. Scott, *Forced Labour in the UK* (York: Joseph Rowntree Foundations, 2013)
- Gelfand, Michael, *The Spiritual Beliefs of the Shona* (Gweru Mambo Press Harare, 1982)

Geschiere, Peter, *The perils of belonging: Autochthony, citizenship, and exclusion in Africa and Europe* (University of Chicago Press, 2009)

_____, “Ecology, Belonging and Xenophobia: the 1994 Forest Law in Cameroon and the Issue of ‘Community’” in *Rights and the Politics of Recognition in Africa*, eds. Harri Englund and Francis B. Nyamnjoh, (London and New York: Zed Books, 2004)

Ghai, Yash Pal, “Ethnicity, Nationhood and Pluralism: 2010 Constitution,” in *Ethnicity, Nationhood and Pluralism: Kenyan Perspectives*, eds. Yash Pal Ghai and Jill Cottrell Ghai (Ottawa: Global Centre for Pluralism, 2013)

Hallencreutz, C. and Ambrose Moyo, *Church and State in Zimbabwe* (Gweru: Mambo Press, 1988)

Hallett, Robin, *Africa Since 1875: A Modern History* (Ann Arbor: University of Michigan Press, 1974)

Heater, Derek, *A Brief History of Citizenship* (New York: New York University Press, 2004)

Kenya National Commission on Human Rights (KNCHR), *An Identity Crisis, A Study on the Issuance of National Identity Cards in Kenya* (Nairobi, 2007).

Kenya National Commission of Human Rights (KNCHR) and The United Nations High Commissioner for Refugees (UNHCR), *Out of the Shadows: Towards Ensuring the Rights of Stateless Persons and Persons at Risk of Statelessness in Kenya* (Nairobi, July, 2010)

Kenya National Commission on Human Rights, *Foreigners at Home: The Dilemma of Citizenship in Northern Kenya* (Nairobi, May, 2008)

Kertzer, David I. and Dominique Arel, “Censuses, Identity Information and the Struggle for Political Power,” in *Census and Identity: the Politics of Race, Ethnicity and Language in National Censuses*, ed. K.M Dowley (Cambridge and New York: Cambridge University Press, 2002)

Kinyanjui, Felistus, “Citizenship and Nationhood in Post-Independent Kenya” in *(Re)membering Kenya: Interrogation, Marginalization and Governance*, eds. George Gona and Mbugua wa-Mungai, Vol II (Nairobi: Twaweza Communications Ltd, 2013)

Klose, Fabian, *Human Rights in the Shadow of Colonial Violence: the Wars of Independence in Kenya and Algeria* (University of Pennsylvania Press: 2013)

Kymlicka, Will, *Liberalism, Community and Culture* (Clarendon Press, Oxford, 1989)

Lepre, Christopher J. Hélène Roche, Dennis V. Kent, Sonia Harmand, Rhonda L. Quinn, Jean-Oliver, Roland and J.D. Fage *A Short History of Africa* (Baltimore, Maryland: Penguin Books, 1962)

- Locke, John, *Two Treatises of Government*. Ed. (Cambridge [England]: Cambridge University Press, 1988)
- Longman, Timothy, "Identity Cards, Ethnic Perception and Genocide in Rwanda," in *Documenting Individual Identity*, eds. Jane Caplan and John Torpey (Princeton and Oxford: Princeton University Press, 2001)
- Lowe, D., *Immigration and Integration: Australia and Britain. Bureau of Immigration* Ed (Multicultural and Population Research and Sir Robert Menzies Centre for Australian Studies, London, 1995)
- Lyon, David, *Identifying Citizens: ID Cards as Surveillance* (Cambridge, Polity Press, 2009)
- Lyon, David and Colin J. Benett, "Playing the Identity Card: Understanding the Significance of Identity Card Systems," in *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*, eds, Colin J. Benett and David Lyon, (Abingdon and New York: Routledge, 2008b)
- Majdalany, Fred, *State of Emergency: the Full Story of Mau Mau* (Boston: Houghton Mifflin, 1963)
- Manby, Bronwen, *Struggles for Citizenship in Africa* (London and New York: Zed Books, 2009b)
- Marthinus, Daneel L., *Old and new in Southern Shona Independent Churches, Volume I.* (Netherlands: Mouton & Company, 1971)
- Marshall, T. H., and Bottomore T., *Citizenship and Social Class: And Other Essays* (London; Concord, MA: Pluto Press, 1992)
- Maxon, Robert M., *Struggle for Kenya: The Loss and Reassertion of Imperial Initiative, 1912-1923* (New Jersey, Cranbury: Associated University Press, 1993)
- Mehmood, Taha, "India's New ID Card: Fuzzy Logics, Double Meanings and Ethnic Ambiguities," in *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*, eds, Colin J. Benett and David Lyon, (Abingdon and New York: Routledge, 2008)
- Mhurchú, Aoileann, Ní, 'Challenging the Citizenship Debate: Beyond State Sovereignty Time and Space,' in *Ambiguous Citizenship in an Age of Global Migration* (Edinburgh: Edinburgh University Press, 2014)
- Miles, R. and Thra'nhardt, D. *Migration and Integration: The Dynamics of Inclusion and Exclusion*, Eds. (London: Pinter, 1995)
- Moyana, Henry V., *The Political Economy of Land in Zimbabwe* (Gweru: Mambo Press, 1984)

- Noiriel, Gerard, "The Identification of the Citizens: The Birth of Republican Status in France" in *Documenting Individual Identity*, eds. Jane Caplan and John Torpey (Princeton and Oxford: Princeton University Press, 2001)
- Oliver, Roland and J.D. Fage, *A Short History of Africa* (Baltimore, Maryland: Penguin Books, 1962)
- Christopher Paul, Colin P. Clarke, Beth Grill and Molly Dunigan, "Kenya, 1952–1956 Case Outcome: COIN Win," in *Paths to Victory: Detailed Insurgency Case Studies*, (California: Rand Corporation, 2013)
- Pavanello, Sara, Samir Elhawary, and Sara Pantuliano, *Hidden and exposed: Urban refugees in Nairobi, Kenya* (London: Overseas Development Institute, 2010)
- Piazza, Pierre and Laurent Laniel, "The INES Biometric Card and the Politics of National Identity Assignment in France," in *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*, eds, Colin J. Bennett and David Lyon, (Abingdon and New York: Routledge, 2008)
- Presley, Ann Cora, *Kikuyu Women, the Mau Mau Rebellion, and Social Change in Kenya* (Boulder, CO: Westview Press, 1992)
- Ray, Benjamin C., *African Religions: Symbol, Ritual and Community* (Englewood Cliffs: Prentice-Hall, 1976)
- Ranger, T. O. and Paul Slack, *Epidemics and Ideas: Essays on the Historical Perception of Pestilence* (Cambridge: Cambridge University Press, 1995)
- Rawls, John, *A Theory of Justice*, (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971).
- Riesenberg, Peter, *Citizenship in Western Tradition: Plato to Rousseau* (North Carolina: University of North Carolina Press, 1992)
- Roftopoulus, Brian and Alois Mlambo, Eds. *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008* (African Books Collective, 2008)
- Rutter, J., *Back to Basics: Towards a Successful and Co-effective Integration Policy* (London, IPPR, 2013)
- Schutz, Barry M., *Politics in Rhodesia: White Power in an African State* (Cambridge, Mass: Harvard University Press, 1973)
- Shiblak, Abbas, "Arabia's Bidoon", in *Statelessness and Citizenship: A Comparative Study on the*

- Benefits of Nationality*, ed. B.K. Blitz and M. Lynch (Geneva: Oxford Brooks University, 2009)
- Sibanda, Eliakim M., “*The Zimbabwe African People’s Union 1961-87: A Political History of Insurgency in Southern Rhodesia*,” 1st Ed. (Asmara Eritrea: Africa World Press, Inc. 2005)
- Sing'Oei, Abraham Korir, "Citizenship in Kenya: The Nubian Case," in *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*, ed. B.K. Blitz and M. Lynch (Geneva: Oxford Brooks University, 2009)
- Somers, Margaret R., *Genealogies of Citizenship: Markets, Statelessness and the Right to Have Rights* (Cambridge: Cambridge University Press, 2008)
- The 2009 Kenya Population and Housing Census: Population and Household Distribution by Socio-economic Characteristics, Kenya National Bureau of Statistics Volume II, (August 2010)
- UNHCR, ‘Addressing Situations of Statelessness, UNHCR Global Appeal 2009 Update,’ (Geneva: United Nations High Commissioner for Refugees, 2009)
- Van Waas, Laura, *Nationality Matters: Statelessness Under International Law* (Antwerp: Intersentia, 2008)
- Weitzberg, Keren, "Rethinking the Shifta War Fifty Years after Independence: Myth, Memory, and Marginalization." In *Kenya After 50*, (Palgrave Macmillan, New York, 2016)
- Wekesa, Peter Wafula, “Negotiating ‘Kenyaness’: The ‘Debates,’” in *(Re)membering Kenya*, eds. Mbugua wa-Mungai and George Gona, Vol. 1 (Nairobi: Twaweza Communications Ltd, 2010)
- Widlok, Thomas, ‘Ethnicity as Social Deixies’ in *Ethnicity as a Political Resource*, edn. (University of Cologne Forum, Transcript Verlag, 2015)
- Yeros, P., *Ethnicity and Nationalism in Africa: Constructive Reflections and Contemporary Politics*, Ed. (Hound Mills: Macmillan, 1999)

Journal Articles

- Ager, Alastair and Strang Alison, “Understanding Integration: A Conceptual Framework,” *Journal of Refugee Studies*, Oxford University Press. Vol. 21 No. 2 (2008), pp. 166-191.
- Adejumobi, Said, “Citizenship, Rights and the Problem of Conflicts and Civil Wars in Africa”, *Human Rights Quarterly*, Vol.23, No.1, (2001), pp. 148-170.
- Bachelor, Carol. A., "The 1954 Convention Relating to the Status of Stateless Persons:

- Implementation Within the European Union Member States and Recommendations for Harmonization", *Refuge* Vol. 22, No. 2 (2005), pp. 31-58.
- Balaton-Chrimes, Samantha, Statelessness, Identity Cards and Citizenship as Status in the Case of the Nubians of Kenya, *Citizenship Studies*, 18:1, (2014), pp. 15-28.
- _____. "Indigeneity and Kenya's Nubians: Seeking Equality in Difference or Sameness?" *The Journal of Modern African Studies* 51, No. 2 (2013), pp. 331-354.
- Balibar, Etienne, "Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence," *Constellations* Vol. 8. No. 1 (2001), pp. 15-29.
- Brands, Hal "Wartime Recruiting Practices, Martial Identity and Post-world War II Demobilization in Colonial Kenya," *Journal of African History* Vol. 46, No. 1 (2005), pp. 103–125.
- Betts, Tristram F., "Rural Refugees in Africa," *The International Migration Review-Refugees Today*, Vol. 15. No. 112, (Sage Publication, Spring- Summer, 1981), pp. 213-218.
- Berkeley, Bill, "Stateless people, Violent States," *World Policy Journal*, Vol. 26, No. 1 (2009), pp. 3-15.
- Boeles, Pieter, "The Usefulness of Nationality", *Dutch Juristenblad*, Vol.82 No. 42 (June, 2007) pp. 2666-2671.
- Booth, William James, "Foreigners: Insiders, Outsiders and the Ethics of Membership," *The Review of Politics*, Vol. 59. No. 2 (1997), pp. 259-292.
- Brands, Hal, "Wartime Recruiting Practices, Martial Identity and Post-world War II Demobilization in Colonial Kenya," *Journal of African History* 46(1) (2005), pp. 103–125.
- Brugal, Philippe Pierre-Jean Texier, Arnaud Lenoble, and Craig S. Feibel. "An earlier origin for the Acheulian." *Nature* 477, No. 7362 (2011), pp. 82-85.
- Campbell, J. R., "The Enduring Problem of Statelessness in the Horn of Africa: How Nation-States and Western Courts (Re) Define Nationality," *International Journal of Refugee Law* Vol. 23, No. 4 (2011), pp. 656-679.
- Carens, Joseph H., "Aliens and citizens: the case for open borders." *The review of politics* 49, No. 2 (1987), pp. 251-273.
- Chimuka, Tarisayi A., "Ethics among the Shona," *Zambezia* 28, No. 1 (2001), pp. 23-38.
- Cohen, Jean L. "Changing Paradigms of Citizenship and the Exclusiveness of the Demos." *International sociology* 14, No. 3 (1999), pp. 245-268.

- Corfield, Frank, *The Origins and Growth of Mau Mau: An Historical Survey ("The Corfield Report")*, (Nairobi: Government of Kenya, 1960), pp. 31, 64–65.
- Deming, Will, "Gaius Paul and the 'Law of Persons': The Conceptualization of Roman Law in the Early Classical Period," *The Classical Quarterly* Vol. 51, No. 1 (2001), pp. 218-230.
- Ekeh, Peter P., "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History*, Vol. 17 (January, 1975), pp. 91-112.
- Fielden, Alexandra, "Local Integration: an Under-reported Solution to Protracted Refugee Situations', *New Issues in Refugee Research*, Research Paper No. 158. (2008), pp. 1-23.
- Fukuyama, Francis, "Identity, Immigration, and Liberal Democracy," *Journal of Democracy* Vol. 17 No. 2 (2006), pp. 5–20.
- Hatchard, John, "The Constitution of Zimbabwe: Towards a Model for Africa," *Journal of African Law*, Vol. 35. No.1/2 (1991), pp. 79-101.
- Gerber, Theodore P., A. Gargett, and M. Castan, "Does the Right to Birth Registration Include a Right to a Birth Certificate?" *Netherlands Quarterly of Human Rights*, Vol. 29. No. 4 (2011), pp. 434-459.
- Glover, S. Gott, C. Loizillon A. Portes J. Price R. Spencer S. Srinivasan V. and Willis C., *Migration: An Economic and Social Analysis*, RDS Occasional Paper No. 67, (Home Office: London, 2001)
- Goldstron, J. A, "Holes in the Rights Framework: Racial Discrimination, Citizenship and the Rights of Noncitizens," *Ethics and International Affairs*. No. 20 (2006), pp. 321-347.
- Ifidon, Ehimika, "Citizenship, Statehood and the Problem of Democracy in Nigeria," *African Development*, Vol. XXI, No. 4(1996)
- Isin, Engin F. and Bryan S. Turner, "Investigating Citizenship: An Agenda for Citizenship Studies," *Citizenship Studies*, Vol. 11, No. 1 (2007), pp. 5-17.
- Jackson, Paul "The Civil War Roots of Military Domination In Zimbabwe: The Integration Process Following the Rhodesian War and the Road to ZANLA Dominance," *Civil Wars*, Vol. 13. No. 4 (2011), pp. 371-395.
- Jennings. A. C., Land Apportionment in Southern Rhodesia, *African Affairs* Volume XXXIV, Issue CXXXIV, (1 July 1935), pp. 296-312.
- Jones, T., S. Mascarenhas-Keyes and M. Ram, "The Ethnic Entrepreneurial Tradition," *Journal of Ethnic and Migration Studies* Vol 38. No. 1 (2012), pp. 93-109.

- Kanyinga, Karuti and Musambayi Katumanga, "Citizenship and Rights: The Failures of the Post-Colonial State in Africa," *African Development*, Vol. 28. No. 1 and 2 Special Issue on "Globalization and Citizenship in Africa," (2003), pp. 153-172.
- Khapoya, Vincent B., "Kenya Under Moi: Continuity or Change?" *Africa Today*, Vol. 27. No. 1 (1980), pp. 17-32.
- Kibble, Steve "Zimbabwe Between the Referendum and the Elections," *Strategic Review for Southern Africa*, Vol. 35. No. 1 (2013), pp. 93-117.
- Kileff, C. and M. Kileff, 'The Masowe Vapostori of Seke: Utopianism and tradition in an African church', in B. Jules-Rosette (ed.), *The New Religions of Africa* (New Jersey, Ablex Publishing Co., 1979), pp. 151-167.
- Kymlicka, Will, "The Internationalization of Minority Rights," *International Journal of Constitutional Law*, Vol. 6. No. 1 (2008), pp. 1-32.
- Kymlicka, Will, and Norman Wayne, "Return of the Citizen: A Survey of Recent Work on Citizenship theory." *Ethics* 104, No. 2 (1994), pp. 352-381.
- Lentz, Carola, "'They Must be Daqaba First and Any Other Thing Second...' The Colonial and Post-Colonial Creation of Ethnic Identities in North-western Ghana," *African Studies*, Vol. 52, No. 2 (1994), pp. 57-91.
- Lepre, Christopher J. Hélène Roche, Dennis V. Kent, Sonia Harmand, Rhonda L. Quinn, Jean-Philippe Brugal, Pierre-Jean Texier, Arnaud Lenoble, and Craig S. Feibel, "An Earlier Origin for the Acheulian," *Nature* Vol. 477, No. 7362 (2011), pp. 82-85.
- Lonsdale, John and Bruce Berman, "Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914," *The Journal of African History*, Vol. 20, No. 4, (1979), pp. 487-505.
- Mamdani, Mahmood, "Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism." *Comparative Studies in Society and History* 43, No. 4 (2001), pp. 651-664.
- Mamdani, Mahmood. "African states, citizenship and war: a case-study." *International Affairs* 78, No. 3 (2002), pp. 493-506.
- Maravanyika, Simeon "Mud Pies and Msasa (Tree) Leaves: The Unilateral Declaration of Independence (UDI), International Sanctions and Settler Agriculture in Colonial Zimbabwe, 1965-1979," *Zambia Social Science Journal*, Vol. 5. No. 3 (2014), pp. 1-18.
- Meekers, Dominique, "The Noble Custom of Rooro: The Marriage Practices of the Shona of Zimbabwe." *Ethnology* 32, No. 1 (1993), pp. 35-54.

- Mlambo, Alois "From an Industrial Power House to a Nation of Vendors: Over Two Decades of Economic Decline and Deindustrialization in Zimbabwe, 1990-2015," *Journal of Developing Societies*, Vol. 33. No. 1 (2017), pp. 99-125.
- Mogire, Edward, "Refugee Realities: Refugee Rights Versus State Security in Kenya and Tanzania," *Transformation*, Vol. 26. No. 1 (January, 2009), pp. 15-29.
- Mothibe, T. H. "African Workers' Militancy As a Basis for Post-War Nationalism in Colonial Zimbabwe, 1945-1953," *Transafrican Journal of History*, Vol. 23 (1994), pp. 158-183.
- Morgan, W. T. R. "The White Highlands of Kenya," *The Geographical Journal*, Vol. 129, No. 2 (June, 1963), pp. 140-155.
- Mukonyora, Isabel, "The Dramatization of Life and Death by Johane Masowe," *Zambezia* Vol. 25, No. 2 (1998), pp. 191-207.
- Munjeri, Dawson "The Korsten Basketmakers," *Nada: The Southern Rhodesia Native Affairs Department Annual* 11, No. 5 (1974), pp. 497-509.
- Ncube, Cornelius, "The 2013 Elections in Zimbabwe: End of an Era for Human Rights Discourse," *Africa Spectrum*, Vol. 48, No. 3 (2013), pp. 99-110.
- Ndegwa, Stephen N., "Citizenship amid Economic and Political Change in Kenya," *Africa Today*, Vol. 45. No. 3 and 4 (1998), pp. 351-367.
- _____, "Citizenship and Ethnicity: an examination of Two Transition Moments in Kenyan Politics," *The American Political Science Review*, Vol. 91. No. 3 (1997), pp. 599-616.
- _____, "Kenya: Third Time Lucky?" *Journal of Democracy*, Vol.14. No. 3 (2003), pp. 145-158.
- Ndlovu-Gatsheni, Sabelo J. "Rethinking "Chimurenga" and "Gukurahundi" in Zimbabwe: A Critique of Partisan National History," *African Studies Review*, Vol. 55. No. 3 (2012), pp. 1-26.
- Okamura, Y. J., "Situational Ethnicity: Ethnic and Racial studies", Vol. 4, No. 4, (Routledge, 1981), pp. 452-465.
- Okoth-Ogendo, H.W. O., "The Politics of Constitutional Change in Kenya Since Independence 1963-1969," *African Affairs*, Vol. 71. No. 282, (Jan, 1972), pp. 9-34.
- Oldfield, Adrian, "Citizenship: An Unnatural Practice," *Political Quarterly*. Vol. 61 9April-June, 1990), pp. 177-187.
- Olsson, Jan, "A Crucial Watershed in Southern Rhodesian Politics: The 1961 Constitutional

- Process and the 1962 General Election," (2011), pp. 14-16.
- Parsons, Timothy H. Mobilizing Britain's African Empire to War: Pragmatism vs Trusteeship, *Journal of Modern European History*, Vol. 13, No. 2, (2015), pp. 183-202.
- Peled, Yoav, "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State," *American Political Science Review*, Vol. 86 (June, 1992), pp. 432-443.
- Phillimore, J., "Housing Home and Neighbourhood in the Era of Super Diversity," *Housing Studies* Vol. 28. No. 5 (2013), pp. 682-700.
- Phimister, Ian, "Rethinking the Reserves: Southern Rhodesia's Land Husbandry Act Reviewed," *Journal of Southern African Studies* Vol. 19(2) (1993), pp. 225-239.
- _____, "Southern Rhodesia's Land Husbandry Act Reviewed," *Journal of Southern African Studies* 19(2) (1993), pp. 225-239.
- Pouwels, Randall L. "Eastern Africa and the Indian Ocean to 1800: Reviewing Relations in Historical Perspective," *The International Journal of African Historical Studies*, Vol. 35, No. 2/3 (2002), pp. 385-425.
- Ramage, B. J. "The Partition of Africa." *The Sewanee Review* 7, No. 2 (1899), pp. 221-38.
- Ranger, Terence O., "Afterword: War, Violence and Healing in Zimbabwe," *Journal of Southern African Studies*, Vol 18. No. 3 (1992), pp. 698-707.
- _____, "Taking on the Missionary's Task: African Spirituality and the Mission churches in Manicaland in the 1930s," *Journal of Religion in Africa*, Vol. 29. Fasc. 2, (1999), pp. 175-205.
- Robinson, V. 'Defining and Measuring Successful Refugee Integration', Proceedings of ECRE International Conference on Integration of Refugees in Europe, Antwerp, November 1998. Brussels: ECRE. (1998), 118.
- Rosaldo, Renato, "Cultural Citizenship and Educational Democracy," *Cultural Anthropology* Vol. 9. No. 3 (1994), pp. 401-411.
- Rutinwa, Bonaventure, "Beyond Durable Solutions: An Appraisals of the New Proposals for Prevention and Solutions of the Refugee Crises in the Great Lakes Region," *Journal of Refugee Studies*, Vol. 9 No. 3 (1996), pp. 312-325.
- Rutinwa, Bonaventure, "The End of Asylum? The Changing Nature of Refugee Policies in Africa," *Refugee Survey Quarterly*, Vol. 21. No. 1 and 2 (2002), pp. 12-41.
- Sassen, Saskia, "The Repositioning of Citizenship and Alienage: Emergent Subjects and Spaces for Politics," *Globalizations* Vol. 2 No. 1 (2005), pp. 79-94.
- Schultheis, Michael J., "Refugees in Africa: the Geopolitics of Forced Displacement," *African*

- Studies Review*, Vol. 32, No. 1. (April-1989), pp. 3-29.
- Shacknove, Andrew E., "Who is a Refugee?" *Ethics* Vol. 95, No. 2 (Jan. 1995), pp. 274-284.
- Stewart, Angus, "Two Conceptions of Citizenship." *British Journal of Sociology* (1995), 46, pp. 63-78.
- Shils, Edward, "Primordial, Personal, Sacred and Civil Ties: Some Particular Observations on the Relationships of Sociological Research and Theory, *British Journal of Sociology*, Vol. 8, No. 2 (June, 1957), pp. 130-145.
- Sigona, Nando "Everyday Statelessness in Italy: Status, Rights and Camps," *Ethnic and Racial Studies*, Vol. 30, No. 2, (2016), pp. 263-279.
- Sithole, Masipula, "The Salience of Ethnicity in African Politics: the Case of Zimbabwe," *Journal of Asian and African Studies*, Vol. 20 (December, 1985), pp. 181-191.
- Stewart, Angus, "Two Conception of Citizenship," *British Journal of Sociology* 46 (1), (1995), pp. 63-78.
- Spiro, Peter J. "Nationality and Statelessness Under International Law," *American Journal of International Law*, Vol. 110, No. 1, (2016), pp. 148-152.
- Van Waas, Laura, "Statelessness: A 21st century Challenge for Europe," *Security and Human Rights*, No. 2 (2009), pp. 236-239.
- Verdirame, Guglielmo. "Human Rights and Refugees: The Case of Kenya," *Journal of Refugee Studies* 12, no. 1 (1999), pp. 54-77.
- Wasserman, Gary "European Settlers and Kenya Colony Thoughts on A Conflicted Affair," *African Studies Review*, Vol. 17, No. 2, (1974), pp. 425-434.
- Young, Marion Iris, "Polity and Group Difference: A Critique of the Ideal Citizenship," *Ethics*. Vol. 99. No. 2 (1989), pp. 250-274.

Dissertations

- Abongo, Lilian. Understating Refugee Integration: The Case of the Southern Sudanese Refugees in Kenya 1960-2005, (MA Project, University of Nairobi, 2015)
- Freudenthaler, Eva Maria, "Refugee Rights in Kenya," (PhD dissertation, University of Vienna, 2011)
- Gachihi, Margaret W., The Role of Kikuyu Women in the Mau Mau (MA Dissertation, University of Nairobi, 1986) accessed June 24, 2017. http://erepository.uonbi.ac.ke/bitstream/handle/11295/43701/Gachihi_The%20role%20of%20kikuyu%20women%20in%20the%20mau%20mau.pdf?sequence=2

Njiru, Peter K. Children and the Mau Mau: a Case Study of Kikuyu Division in Kiambu District, 1952-1960 (MA Dissertation, University of Nairobi 2009), accessed May 3, 2016
<http://erepository.uonbi.ac.ke/handle/11295/5295>

Archival Sources

Kenya Constitutional Conference, Lancaster House, 1962. Committee on Land and Citizenship, March 7-15 MAC/KEN/46/7.

Constitutions and Constitutional Amendments/Acts

Aliens Registration Act, 2010

The Constitution of Kenya Amendment Act No. 12 of 1991

The Constitution of Kenya Amendment Act No. 16 of 1966

The Constitution of Kenya Amendment Act No. 7 of 1982

Kenya Registration of Person's Act, 2015

The Constitution of Kenya, 1963

The British Nationality Act, 1948

The Constitution of Kenya Act, 1969

The Constitution of Kenya, 2010

Citizenship and Immigration Act, 2011

Charters and Conventions

Charter of the United Nations 1945

Universal Declaration of Human Rights 1948

Convention Relating to the Status of Refugee 1951

Convention Relating to the Status of Stateless Persons 1954

Convention on the Reduction of Statelessness 1961

Draft Protocol to the African Charter on Human and People's Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, 2015, available at <https://www.achpr.org>, (accessed on 28th November, 2019)

International Covenant on Civil and Political Rights and the Covenant on Social, Economic and Cultural Rights 1966

International Convention on Civil and Political Rights (ICCPR) 1966

International Convention on the Elimination of All Forms of Racial Discrimination 1965

African Charter on Human and People's Rights (ACHPR) 1981

Convention on the Rights of the Child 1989

Gazette Notices

The Kenya Gazette, Government Notice No. 7881, 23rd August, 2019.

Sacred Books

The Message of God in Africa 1932 A. D, Gospel of God Church, Nairobi, Kenya

Reports

Kenya Human Development Report 2017, UNDP. 2017.

O'Neill, J., "Integration of Refugees in Ireland: Experience with Programme Refugees 1994–2000" In No Welcome Here? Asylum Seekers and Refugees in Ireland and Britain. Democratic Dialogue Report 14, Democratic Dialogue (Belfast, 2001)

The Human Development Report, United Nations Development Programme (UNDP), (New York: Oxford University Press, 1994)

Castles, S., Korac, M., Vasta, E. and Vertorec, S. 'Integration: Mapping the Field.' Report of a Project carried out by the Centre for Migration and Policy Research and Refugee Studies Centre, University of Oxford. (2001)

Resolutions

African Commission on Human and Peoples' Rights, *Resolution 234 on the Right to Nationality*, 53rd Ordinary Session, Banjul, the Gambia. (9- 23 April 2013)

Newspapers and Magazines

Patel, Zarina and Jill Ghai, A Tribe, A Nation, A People – Or Just Kenyans? Awaaz Magazine, Vol. 14. Issue 2 dated 27th October 2010.

Websites/ Internet Sources

Geography of Kenya, available at <https://www.kenyacountyguide.co.ke/geography-of-kenya/>
(Accessed 24th November, 2019)

Geography of Zimbabwe, available at <https://www.worldatlas.com>, (accessed on 24th November, 2019)

Kibwana, Kivutha “Constitutional Development in Kenya in 1999,” Available at <http://www.kituoachakatiba.Org/index2.php> (1999), p.3, accessed 25th November, 2019.

The Gospel of God Church www.gospelofgod.ws/Gospei-of-God-Church_fulfilment.html
(accessed on October 10, 2016)

The Economist, "Zimbabwe's Begging Bowl: Bailing Out Bandits". 420 (8997). 9 July 2016. pp. 43–44. Accessed on 11 October 2019.

UNHCR, Statistics- stateless persons, available at

<http://www.unhcr.org/protection/statelessness/546e01319/statistics-stateless-persons.html>
(accessed on July 17, 2017)

Waruru, Maina After 50 Years, Stateless Shona Still Trapped in Kenya's Shadows. Available at <https://www.reuters.com> dated May 29, 2015, (accessed on June 24, 2017)

Wise, W., Secretive African Sect finds Promised Land in Kenya. Available at www.youtube.com dated July 23, 2009, (accessed on June 24, 2017)

Appendix I: Interview Guide for people of Shona Ethnicity

Name:

Sex

Age:

Marital Status:

Children:

Ethnicity:

Religious affiliation:

Clan:

Place of birth:

Date of arrival in Kenya:

Birthplace of parents:

Immigration Status:

Highest academic qualification:

Profession:

1. Where do you live now? Neighborhood? City? How long?
2. How did you arrive in Kenya?
3. How did you come to live in Nairobi/Kiambu? How long?
4. Where else have you lived? When? How long?
5. How well can you speak Kiswahili?
6. What is your job? Do you have a business? What kind? Do you have any employees?
Where is your place of business?
7. What has been your experience living in Nairobi/Kiambu?
8. How do you identify yourself in Kenya?
9. What has been your experience as a refugee or other?
10. What has been your experience operating in the Kenyan economy? Jobs? Capital? Owning property? Trading? Licenses? Taxes? Investment? Corruption?
11. What has been your experience in accessing employment?
12. What has been your experience in accessing education?
13. What has been your experience in accessing health?
14. What has been your experience in accessing housing?

15. Do you have access to CDF or bursary?
16. Do you think your experience would be different if you were a Kenyan citizen? How?
17. What has been your experience with the Kenyan government and the politics of Kenya?
Voting? Government representation? Relationship with security forces? Justice? Post-election violence?
18. Do you think your experience would be different if you were a Kenyan citizen? How?
19. What has been your experience being in Kenyan society? Inter-marriage? Marriage?
Culture? Raising children? Language? Religion?
20. Do you think your experience would be different if you were a Kenyan citizen? How?
21. What identification documents do you have? How was the process of applying for them?
22. Have you ever tried to get Kenyan citizenship? What was your experience?
23. What are the experiences of other people who have tried to get Kenyan citizenship?
24. What would you like to change about your experience in Kenya?
25. What are your perceptions on the regularization of nationality status in Kenya?
26. As a Shona, do you feel a sense of belonging (fit into Kenyan society) in Kenya? How are you treated? Nationals or foreigners?
27. What do you think makes an individual Kenyan? How would you prove it?
28. Do you feel Kenyan?
29. Is there any situation that you reported to the police/chief? How was it handled?
30. Do you believe that Nairobi is your “holy city” and Kenya your “promised land”?
31. Do you own a piece of land? How did you acquire it? Where?
32. Have you been counted during Census? Are you aware you were counted?
33. Is there anything else you would like to add?

Appendix II: Interview questions for people of non-Shona ethnicity

Name:

Sex

Age:

Marital Status:

Children:

Ethnicity:

Religious affiliation:

Clan:

Place of birth:

Birthplace of parents:

Highest academic qualification:

Profession:

1. Tell me about where you were born and where you grew up. And what do you do now?
2. What do you know about the Shona people?
3. Have you had much contact with the Shona? What are your impressions of them?
4. What else do you know about the Shona?
5. When you think about the Shona, where do you think their home is?
6. Are the Shona involved much in the wider community?
7. Are the Shona involved much in politics?
8. Do you consider the Shona to be Kenyan?
9. How are the Shona different from other tribes in Kenya?
10. What do you think makes someone Kenyan?
11. How would you prove you are a Kenyan?
12. What do you think makes a tribe Kenyan?
13. How would a tribe prove they are Kenyan?
14. Is there anything else you would like to talk to me about?
15. How long have you been neighbours with the Shona?

Appendix III

Testing of Hypotheses

Hypothesis 1: The Shona claim a religious connection to Kenya informed by their religious beliefs.

Based on prophecies of their Church founder Johane Masowe, the Shona in Kenya claim a religious attachment to Kenya. They say the City of Nairobi is their evangelical headquarter and Kenya is their promised land. Their religious connection to Kenya is the reason they claim recognition in Kenya because it is where their God will send their messiah who will rise from Africa. This hypothesis has been met.

Hypothesis 2: The Shona in Kenya practice small-scale businesses, take local names, and abandon their kinship to acquire identification documents and access public amenities.

The lack of recognition and access to citizenship in Kenya has led the Shona to taking local names, cheating and bribing registration officials, abandoning their kinship and giving away their children to other families for a period of time for them to acquire school bursary money. The small-scale businesses such as crocheting, carpentry, tailoring and basket weaving are their main means of economic sustenance in their areas of residence. Through this activities, they access the local market and interact with the other communities in the society. This hypothesis has been met.

Hypothesis 3: The Shona in Kenya are integrated in Kenya socially and economically.

As stated above, the Shona access to the local market and interaction with other Kenyan communities is facilitated by them speaking the local languages. They speak Kikuyu and Swahili fluently. Language is an indicator of social integration. Their access to the local markets signify economic integration. Integration is a continuous process with indicators to determine its success. The fact that the Shona access economic, education, housing and health services to a limited extent signify their integration in Kenya.