



**The Interface between Traditional and Modern Approaches of Conflict Resolutions:
An Exploration from the Kuria Community of Kenya and Tanzania**

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Abstract

Traditional and modern approaches to conflict management and peacebuilding have attracted the attention of many scholars and researchers in the world. However, there is a hot debate as regards the use of the two approaches in managing and resolving ethnic conflicts in Africa. Some scholars argue that traditional approaches to conflict management and resolutions have great potential for managing conflicts and building peace in Africa. Others view African traditional approaches to conflict management and peacebuilding as being ineffective and limited; that conflicts may only be resolved through the use of modern approaches designed by the states with western influence. Amidst the two perspectives there is a call by some scholars for synergy between traditional and modern approaches. Drawing evidence from the Kuria community which straddles on both sides of the Tanzania – Kenya border, this paper examines the evolution of the two approaches, their collaboration and how they can be effectively integrated to ensure sustainable peace in African communities. The paper relies on secondary, archival and oral sources collected both in Kenya and Tanzania. It argues that traditional and modern approaches should not be used independently of each other. Instead, African states should develop policies which allow the two approaches to have a mutual relationship in the process of building sustainable peace.

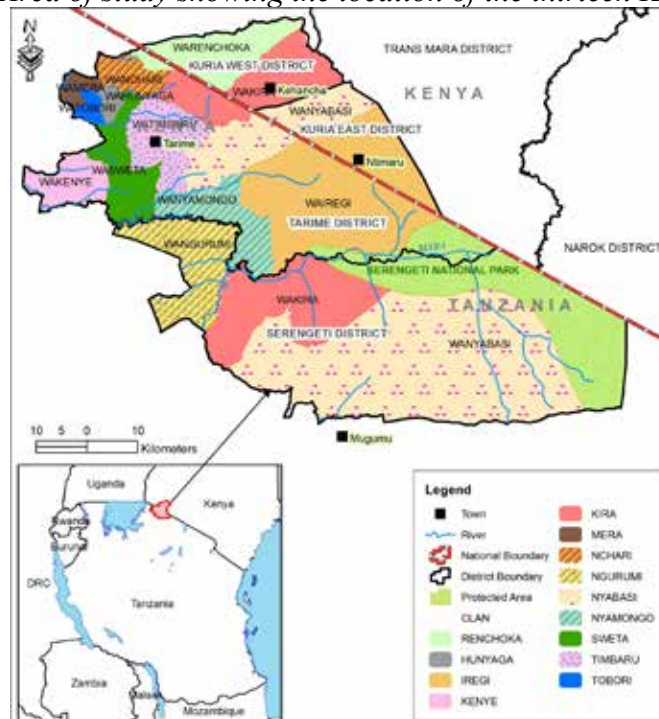
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Introduction

The Kuria are agro-pastoral Bantu speaking people who inhabit areas which stretch across the Tanzania–Kenya border (see map 1 below). They are divided into thirteen clans, namely Iregi, Nyabasi, Kira, Renchoka (Gumbe), Timbaru, Nyamongo, Nchari, Kenye, Sweta, Mera, Hunyaga, Tabori, and Simbiti. Majority of these clans live in Tarime and Serengeti districts in Mara region in Tanzania. The Kira and Renchoka clans extend into Kenya to constitute Kuria West District, while the Nyabasi and Iregi clans extend to constitute Kuria East District (Fleisher, 2000; Kungu et al., 2015; Magoti, 2017). Although the thirteen clans constitute a single Kuria ethnic group and all of them believe to have descended from a common ancestor (*Mkuria*), clan affiliation has always been of greater significance to a Kuria than ethnic affiliation. Each clan continues to have its traditional leaders who are responsible for performing rituals and arbitrating conflicts.

Unlike other African areas where inter-ethnic conflicts have been widely witnessed and recorded, the Kuria have witnessed inter-clan conflicts among themselves. Cattle theft, allegiance to clan identity, population growth, and struggles for land as a result of changes in chiefdom and village boundaries have been recorded as the main causes of inter-clan conflicts among the Kuria (Fleisher, 2000; Heald, 2005; Ramadhani, 2007; Kungu et al., 2015; Magoti, 2017). In an attempt to resolve inter-clan conflicts among the Kuria, both the traditional and modern approaches have been employed at different intervals.

Map 1: Area of study showing the location of the thirteen Kuria clans



Source: Designed by the author in collaboration with Olipa Simon, Senior GIS Laboratory Scientist, University of Dar es Salaam (November 2018).

This paper, therefore, uses a historical approach to examine the evolution of traditional and modern approaches among the Kuria, how the two approaches have worked together over time, and ways the two approaches can be effectively integrated to ensure sustainable peace among the Kuria and African communities in general. The paper relies on secondary, archival and oral sources collected both in Kenya and Tanzania. It argues that traditional and modern approaches should not be used independently of each other. Instead, African states should develop policies which allow for the two approaches to work together in a mutual relationship. The paper is divided into five sections, namely the introduction, conceptual and theoretical review, evolution and collaboration of traditional and modern approaches, ways of improving integration of the two approaches, and conclusion.

Conceptual and Theoretical Review

The use of the terms *traditional* and *modern* is now a subject of debate. Scholars argue that the terms suggest a binary construction created by the West to justify their hegemony over other societies, particularly the developing countries which were subjected to western colonialism. Frederic Cooper in his book *Colonialism in Question* discusses this issue at length (Cooper 2005). Thus, that discussion will not constitute the main subject of this paper. Being aware of the negative connotation attached to those terms, they have been used in this paper in a manner that sensitizes readers, but most importantly, to show that they can still be used in academic discourse. Conceptually, traditional and modern approaches which are the main thrust of this paper encompass several issues but, as I have said, can be viewed differently depending on the inclination of an individual. The term *traditional* is used in this paper to refer to peacebuilding and conflict resolution approaches which rely on non-formal or non-state based customary institutions such as council of elders, council of chiefs, headmen and local religious institutions. Some scholars call this an indigenous or a bottom-up approach because its practices stem from the grassroots in local communities without an influence from external forces. In an attempt to resolve conflicts and maintain peace in their areas, traditional or indigenous institutions employ different techniques, including organizing prolonged consensus and reconciliation meetings, as well as performing peace rituals (Nweke, 2012; Mwakitalu, 2013; Brock-Utne, 2001; Boege et al., 2008). Brock-Utne (2001) notes that traditional approaches are cooperative in nature in the sense that members of the community had a voice and elders rule with the consent of the community. According to Brock-Utne (2001), “consensus is reached for the interest of the general community rather than the interests of individuals who are offended, and conflict resolution aims at incorporating the offender in the community” (pp. 3-4).

On the other hand, *modern* is used to refer to formal or state-centered approach to peace keeping and conflict resolution. It is also known as the Weberian or Westphalian – the liberal peace or the top-down peace keeping and conflict resolution approach. It involves the use of force and imposition of penalties and sanctions against the offender. The central assumption in this approach is that peace can be maintained and conflict be minimized by establishing democratic governments and observing human rights, as well as embracing the rule of law. The approach involves the use of litigation measures in resolving conflicts, sending peace missions in conflict zones, and organizing military operations (Boege et al., 2008; Belloni, 2012; Dinnen & Kent, 2015; Anam, 2015). In comparing traditional and modern approaches, Brock-Utne (2001) states that “modern approaches emphasize establishing the guilty and executing retribution and punishment without referring to the wider community or thinking about future re-incorporation of the offenders in the community” (pp. 3-4).

Existing literature shows that there is a hot debate in regards to the use of the two approaches in managing and resolving conflicts worldwide and in Africa in particular. Some scholars are of the view that traditional approaches have great potential in managing conflicts and building peace in Africa (Castro & Ettenger, 1996; Castro & Nielsen, 2001; Murithi, 2006; Mutisi, 2009; Mwakitalu, 2013). On the other hand, there is a group of scholars who view African traditional approaches as being ineffective and limited. These scholars argue that conflicts in Africa may only be resolved through the use of modern approaches (Boege, 2006; Sansculotte-Greenidge, 2009). Yet, other scholars though acknowledge that contemporary global peacebuilding is predominantly grounded in modern approaches, such scholars strongly criticize modern approaches arguing that they have failed to create comprehensive and sustainable peace in several areas (MacGinty, 2010; Bellon, 2012; Anam, 2015). According to MacGinty(2010) and Anam (2015), the Westphalian approaches (called ‘modern’ in this paper) have been lopsided as they reinforce hegemonic practices in which the West determines the fate of the developing countries. As a result, peacebuilding has been mainly dependent on international actors instead of being locally owned and self-sustaining. Amidst this debate, there is a call by some scholars (Zartman, 2000; Wasonga, 2009; Mutisi, 2011; Brock-Utne, 2001) for synergy between traditional and modern approaches.

Considering the weaknesses embedded in both the modern and traditional approaches as well as the strengths of each approach, some scholars have proposed an approach which combines traditional and modern techniques of peacebuilding and conflict resolution. The newly proposed approach, which actually is already in use in some places, is known by different but almost synonymous names such as *Hybrid Peace Building* (HPB), *Hybrid Peace Governance* (HPG) or *Hybrid Political Orders* (HPO) (Belloni, 2012; Boege et al., 2008; Dinnen & Kent, 2015; MacGinty, 2010; Anam, 2015). According to proponents of this approach, ‘hybrid’ is employed to imply the coexistence and interaction of the traditional and modern institutions, norms and actors in the process of peacebuilding, conflict resolution or governance systems. In its literal sense, the term ‘hybrid’ is used to refer to a product of the process of mixing or combining two or more distinct elements. According to Dinnen and Kent (2015), the use of this term in social sciences and peace studies have been recently coined from the biological science. While I support the idea of establishing synergy between the traditional and modern approaches, I am skeptical about the use of the term ‘hybrid’ as currently applied in peace studies. As Roberto Belloni (2012) has noted, there is a conceptual limitation inherent in the use of the term ‘hybrid’. From its literary and scientific meaning, ‘hybrid’ connotes formulating a quite new product (herein referred to as an approach) which carries some *genes* from traditional and modern institutions. In actual sense, this is not done in peace and conflict resolution processes. The coexistence and interactions between traditional and modern institutions which are spelled out by scholars mentioned above imply that the two approaches shape each other and thus may work together to arrive at a common end. Such coexistence does not imply ignoring either traditional or modern institutions which exist and creating a new distinct approach which accommodates the features of the previous approaches. What is actually done is that the institutions and mechanism used to build peace and resolve conflicts under the traditional and modern approaches are maintained, or sometimes slightly modified to meet the contexts of the conflicts in the respective communities.

In my own view, to avoid the conceptual limitation inherent in the use of the term ‘hybrid’, I would suggest the concept ‘integrate’ to replace ‘hybrid’. By doing so we will be borrowing Gunther Schlee and Elizabeth E. Watson’s (2009) approach commonly known as an “integrative approach” (see pp.

1-3). Schlee and Watson (2009) applied an ‘integrative approach’ in the study of identities and conflicts in north-east Africa and found that the approach worked significantly. Thus, we will be able to replace ‘hybrid’ peacebuilding with an ‘integrative approach’ in peacebuilding and conflict resolution processes. Literally, ‘integrate’ implies mixing up things, or joining a society or group of people in the way that often allows members of those groups to change a bit and fit in the ways of life, habits and customs of the other. Similarly, ‘integrate’ implies combining two or more things in order to become more effective. The synergy suggested by some scholars is all about making peacebuilding and conflict resolution processes more effective to the extent that we can create sustainable peace in conflict zones. It is all about changing ourselves to the extent that we establish mutual relations between the two approaches in the process of peacebuilding and conflict resolution. Rather than creating a new thing as suggested in the concept of ‘hybrid’, integration is all about effective collaboration to maximize efficiency and have better outcomes. The next section attempts to show how traditional and modern approaches have collaborated among the Kuria.

The Evolution and Collaboration of Traditional and Modern Approaches

By the 1890s when colonial rule began to penetrate into the interior of East Africa, Africans had already developed their own ways of managing and resolving conflicts. Among the Kuria, conflicts were resolved by the council of elders commonly called *Inchama*. Members who constituted *Inchama* inherited their positions. Each clan had its own *Inchama* which worked independently but could sometimes collaborate with *Inchama* of other clans in resolving inter-clan conflicts. In resolving conflicts, *Inchama* applied different techniques which included the use of traditional oath (*ekehore*) to establish the truth about a particular crime and punish the convicted, as well as demanding them to pay compensation, establishing blood covenants (*imuma*), and offering sacrifices to their ancestral shrines (Ramadhani, 2007; Kungu et al., 2015; Magoti, 2017).

During the colonial period, some changes were introduced. The colonial governments in Kenya and Tanganyika introduced the police force and courts as modern institutions of maintaining peace and resolving conflicts among Africans. Although it is difficult to establish when the police force and courts started, it is quite clear that those institutions were in full operation as early as the 1920s. As part of their indirect rule system, the British colonial government also introduced the title of paramount chief in the 1920s which ousted the normal chiefs whom African communities were familiar with (Mbunda, 1985; Kenya National Archives, 1926-1928; Kenya National Archives, 1941-1954). Such changes suppressed the power of *Inchama* among the Kuria. As a result, there was an increase in unrest and lack of peace among the Kuria (North Mara District Constitution, n.d.).

The colonial governments responded to the problem of unrest and lack of peace in different ways. For example, the police force was divided into two broad categories – the village police which sometimes was referred to as ‘tribal police’ and the proper police commonly called Kenya Police or Tanganyika Police. The primary functions of the proper police were to maintain law and order and investigate and prosecute offences against what they called substantive criminal laws. The ‘tribal police’ investigated and prosecuted in African courts offences against native laws and customs, African district council bylaws, and the native authority ordinances (Kenya National Archives, 1926-1928). The court was also divided into two categories – the African courts which were sometimes referred to as native

courts and the magistrate, supreme courts and the court of appeals. Native courts were set to provide judicial service to African communities while the magistrate courts were offering service to the white community, although sometimes there were appeals of some cases from African courts to magistrate courts and court of appeals. In principle, native courts were empowered to administer cases on the basis of native laws and customs. Courts of the other categories relied on modern laws and principles established by the colonial government. Elders of the respective areas constituted the native courts. Although some members of the native courts were appointed by district and provincial commissioners, it was absolutely essential for native courts to consult respected and influential elders (*Inchama*) of the areas in arbitration of several cases, including land disputes and cattle theft cases (Mbunda, 1985; Kenya National Archives, 1941-1954; Kenya National Archives, 1956-1961).

Moreover, the colonial government in Tanganyika commissioned Hans Cory to investigate the problem of unrest and lack of peace among the Kuria of North Mara and report the best ways of improving the situation in the area. In his report which was submitted on 28 September 1945, Cory recommended for the revival of the clan system because clan elders continued to maintain greater authority in the allocation of land and arbitration of conflicts of various nature. Cory called for re-organization of *Inchama* and suggested that chiefs be elected by *Inchama*, and native courts be reformed so that clan elders would be appointed as paid members of the courts instead of being invited as unpaid assessors. The suggestion about the inclusion of clan elders in the court was based on the fact that clan elders knew their traditional laws and were frequently involved in arbitrating conflicts in their clans. Thus, their influences and experiences would be useful in the courts (Cory, n.d.). Cory's recommendations were accepted and implemented a few years later.

In addition to the revival of *Inchama*, the colonial government also set two rules which aimed at curbing inter-clan conflicts among the Kuria of North Mara. These rules were the *North Mara Stock Theft Prevention Rule* of 1946, and the *North Mara Settlement Rule* of 1952. While the stock theft rule aimed at preventing cattle theft by ensuring that thieves were detected and then required to pay compensation, the settlement rule aimed at managing conflicts caused by illegal immigration. However, early implementation of the two rules under the patronage of colonial appointed chiefs and headmen alone failed. It was found that thieves frequently evaded detection by covering up the tracks of the stolen cattle near their villages with tracks of their own cattle. Sometimes they did that in an accomplice's village. Afterwards, therefore, there was no proof of the theft, as the cattle were then removed to a hideout elsewhere and might not be seen for years. Following that weakness, the *Cattle Theft Prevention Rule* was amended in 1955 to allow effective participation of the community in the detection of theft as well as thieves. Thereafter, the court would order thieves to pay compensation. In case there was a disagreement on the part of those who were convicted, the community relied on the power of the *Inchama* of their respective areas to investigate the matter by interrogating the convicted and establishing the truth. With regard to the settlement rule, the parish council which was empowered to control immigration and allocate land was also composed of clan representatives, the majority of them being members of *Inchama*. Archival records show that by the 1950s, Kuria parish councils were the most efficient and effective councils of all councils found in Mara region. Their strength emanated from their ability to arbitrate several conflicts (Tanzania National Archives, n.d.).

Collaboration between the state and council of elders was also observed in Tanzania –Kenya border meetings which were held frequently to resolve cross-border conflicts. Border meetings started in

the 1940s but continued throughout the colonial period and were also inherited during the post-colonial period. Members of border meetings were government officials and elders from the respective clans. During those meetings, clan elders were effectively utilized in enhance peace in their areas. In most cases, members of those meetings unanimously agreed to use traditional techniques of conflict resolution and management (Ramadhani, 2007; Kenya National Archives, 1950-1951; Kenya National Archives, 1961-1969).

The above narratives show that although the colonial government introduced modern ways of managing and resolving conflicts, the traditional approaches were often used to complement the modern techniques. This implies that the traditional approaches were often integrated within the state-designed institutions of maintaining peace and resolving conflicts in the community. This trend was inherited in the post-colonial period. For example, although the Tanzania government abolished chieftainship in 1962, traditional leaders were still prominent in handling different matters including arbitrating conflicts in their areas. In 1974, the Tanzania government also re-introduced a system which operated during the colonial period under which villagers following the tracks of their stolen cattle were instructed to put a mark into the ground at the place where the track stopped, and polices were authorized to confiscate head of cattle from every homestead in the nearest village if its residents failed to return the cattle and to surrender the cattle raiders who had taken them (Fleisher, 2000). This system is still in use today but the police do not confiscate cattle as it used to be in the 1970s. Instead, the police provide support and ensure the security of the traditional leaders (*Inchama*) who arrange for negotiation meetings between the conflicting parties (i.e., those whose cattle were stolen and those alleged to have stolen the cattle). After a consensus is reached, compensation is finally paid by the alleged party.

In 1980, a *Stock Theft Prevention Unit* (STPU) was established in each region in Tanzania mainland following prolonged intra- and inter- ethnic conflicts caused by massive cattle raiding which involved the use of military weapons such as LMG and AK 47. On the Kenyan side, the *Anti-Stock Theft Unit* (ASTU) was also established in the 1980s. While STPU was under the Field Force Unit, the military wing of the Tanzania Police, ASTU stood as an independent Kenyan police wing empowered to deal with cattle thefts alone. Throughout the 1980s and 1990s, STPU organized periodic operations in Mara region with the intention of stopping intra- and inter- ethnic warfare, clamping down cattle raiding, and confiscating weapons from illegal owners (Fleisher, 2000; Ramadhani, 2007). However, it was reported that the most successful operation took place in 1990 under the leadership of Kubia, the chief commander of the special military force set in Mara region. Kubia's success was mainly attributed to the respect he paid to Kuria traditions, including collaborating with *Inchama* and *Ritongo*. *Ritongo* is Kuria term for local village vigilantism commonly called *sungusungu* among the Sukuma and Nyamwezi people of the western central part of Tanzania. *Ritongo* was introduced based on the fact that indigenous people were the ones best equipped to identify and bring to justice cattle raiders in their midst far better than the police, who were all outsiders, and sometimes corrupt.

There was a special *Ritongo* at the district, division and village levels. Members of *Ritongo* would solicit accusations against anyone or a group of people suspected to impinge peace and cause inter-clan conflicts. During their formal meetings, the accused were intensively interrogated by members of *Ritongo* including beating them with hippopotamus - hide whip (Heald, 2005; Fleisher, 2000; Magoti, 2017; Mara Regional Commissioner's Office, n.d.). In their work, Boege and his colleagues (2008) cited *sungusungu* as one of the best examples which shows how local people can utilize their own

institutions to maintain peace in their area (see p. 14). In addition to that, there was the formation of joint district committees of traditional leaders from all Kuria clans in Kenya and Tanzania in 2006 and 2010 respectively (Magoti, 2017). The main task of those committees was to arbitrate conflicts between one clan and the other based on the request submitted by the elders of respective clans. These committees were sometimes sponsored by government officials, specifically the district commissioners and the district police commanders of the respective areas. In 2006, the Tanzania police also made major transformation by introducing what is called *community policing*. *Community policing* aimed at involving local community in maintaining peace and resolving their own conflicts. To broaden local people's participation in maintaining peace, *community policing* was renamed community engagement commission in 2017 (Ntogwa, 2018; Zimbo, 2018; Edson, 2018). In early 2018, the police department in Mara region established social conflict technical advisory committees (SCTACs). The main function of the committees is to provide legal advice and assist the community in resolving their own conflicts. SCTACs are attached to the defense and security committees (DSCs) which are found in all administrative units (i.e., the village, ward, division, district and region) of Mara region. Members of SCTACs include traditional leaders or members of *Inchama*, elected members from the general public, some government officials and some police officers who act as advisors. By establishing *community policing* and SCTACs, the police force has transformed from reactive to pro-active approaches of maintaining order and peace, whereas the community together with their own local institutions are considered the main custodian of their own security. Different slogans such as *your security and peace begin with you* are now frequently advocated by the police.

The preceding paragraphs have shown that there have been some kinds of collaborations or attempts to integrate traditional and modern institutions or mechanisms of peacebuilding and resolving conflicts among the Kuria of Tanzania and Kenya. This kind of integration has also taken place in other parts of the world. For example, after the collapse of Somali state in 1991, customary institutions, in particular council of elders (the *guurti*), worked together with modern state institutions to build and maintain peace in north-western Somalia commonly called Somaliland. Clan elders and their councils were the main actors in the peacebuilding process using customary forms and mechanisms of conflict resolution. After observing that the *guurti* played a significant role in peacebuilding, they have been constitutionally integrated in the political system of Somaliland. Traditional institutions were also effectively involved in building peace in Bougainville after more than a decade of war which ended in 2001. Consequently, customary institutions were incorporated in the new constitution of Bougainville. In Rwanda, the *gacaca* (traditional dispute resolution mechanism) was effectively utilized by the state to deliver justice for a number of cases after the Rwandan genocide of 1994. Similar cases where traditional institutions have been integrated in state institutions were also reported in Afghanistan, Vanuatu, and Sierra Leone (Boege et al., 2008; Belloni, 2012).

While the cited cases above refer to post-conflict peacebuilding mechanisms at broader national levels, the Kuria cases narrated in this paper have mainly taken place at local levels to the extent that they are rarely known in international peacebuilding discourse. It may sound awkward to compare local and national conflicts and the mechanisms employed to resolve them. Indeed, the narratives provided here help us to understand that it is possible to integrate traditional and modern approaches in peacebuilding and conflict resolution processes regardless of the types of conflicts and the levels where these conflicts occur. Despite the fact that collaboration between traditional and modern approaches has existed among

the Kuria, there have been some weaknesses which have limited the effective performance of the integration. In the section which follows below, I attempt to show such weaknesses and suggest ways of improving collaboration between the two approaches.

Ways of Improving Integration between Traditional and Modern Approaches

We have seen that it is possible to combine or rather integrate traditional and modern approaches to peacebuilding and conflict resolution. In order to understand how the two approaches can efficiently be integrated, it is crucially important to overcome challenges which affected their performance and mutual collaboration. Available evidence shows that traditional and modern approaches of conflict management and resolution among the Kuria have been affected by three major issues: corruption and unethical conduct of some officials, lack of legal basis, and insufficient fund and other infrastructures required by those involved in conflict arbitration. Corruption and unethical conducts of some officials were frequently reported throughout the colonial and the post-colonial periods (Cory, n.d.; Kenya National Archives, 1950-1951; Kenya National Archives, 1961-1969; Mara Regional Commissioner's Office, n.d.). Corruption and unethical conducts resulted in the delay of execution of justice and suppression of decisions made by arbitrators.

Lack of legal basis and contradiction of existing laws was also reported since the colonial period. For example, the colonial government made several changes on the native systems of my areas of study from the 1920s to 1950s (Native Authority Ordinance General, n.d.; Progress Report on the Development of Local Government in Lake Province, n.d.; Land and Mines: Chiefdom's Boundary Dispute in North Mara District, 1922-1950; Cory, n.d.). Despite changes that introduced new modern approaches of administering the natives, they left some loopholes for the utilization of indigenous systems of conflict resolutions. As a result, throughout the 1920s, 1930s, and 1940s, North Mara District Commissioners relied on the support of chiefs and traditional leaders in resolving chiefdom boundary disputes which occurred in the area (Land and Mines: Chiefdom's Boundary Dispute in North Mara District, 1922-1950).

Similar situations prevailed in the post-colonial period. The report of Mara Region Security Committee of April 1987; the report of S. A. Shelukindo's Commission which was set to investigate the performance and challenges facing traditional institutions (*ritongo*) in Mara region in 1988; and the report of the National Commission on Defense, Security and International Diplomatic Relations which worked on a proposal submitted in 1992 by the Mara Regional Commissioner – Joseph Butiku, all of them found that the engagement of traditional institutions was inevitable in order to keep and maintain peace, law and order in Mara Region. Unfortunately those reports noted that traditional institutions were still operating without legal basis (Mara Regional Commissioner's Office, n.d.).

It seems that no attempt was done to give legal protection to the council of elders. Michael Fleisher (2000), for example, observed that in the 1980s, *Ritongo* had a bad experience in Tarime because the police and judges arrested, tried, and sentenced some members of *Ritongo* (see pp. 107-108). In 1991, Musoma District Commissioner reported that conflicts of interests prevailed between ward tribunals which were established by laws and traditional councils which had no any legal basis for its conducts. Similar complaints continued throughout the 2000s (Mara Regional Commissioner's Office, n.d.). It follows that traditional institutions continued to operate without any legal protection. Evidence

suggests that the traditional systems of conflict management were frequently utilized at the discretion of individual government leaders but not as a result of legal provisions in the existing laws or bylaws. This implies that resolutions made by traditional institutions, whether good or bad, could be downplayed by some government officials or swept away by existing laws.

Evidence also shows that lack of fund and other infrastructures have been the main hindrance for collaboration in conflict resolutions and management in many areas. In his report to the Honourable Chief Native Commissioner in Nairobi on 27 June 1928, the Nyanza Provincial Commissioner stated:

...the Abakuria members have a journey of fifty to sixty miles to attend meetings. There is no accommodation for them at Kisii except in the tribal retainer's lines. Many of the Kisii members also have difficulty in finding anywhere to sleep... (Kenya National Archives, 1928)

The Nyanza Provincial Commissioner was referring to members of Kisii-Bakuria Local Native Council (K-BLNC) in South Kavirondo which was empowered to deliberate cases of various natures in their localities. As the quotation shows, K-BLNC members were suffering a lot in an attempt to execute their duties. In order to solve the problem of accommodation, K-BLNC proposed the construction of a small building which will be accommodating them. This proposal was also not taken into account. In 1926, K-BLNC proposed a subsistence allowance of Shs. 10/- per man per meeting but the Chief Native Commissioner reduced it to Sh. 1/- a day (Kenya National Archives, 1928; Kenya National Archives, 1926). The 1950s *Inter-Relations Report on Local Native Council Finance* also indicated that funds for local native councils were still insufficient (see Inter Relations Committee Report in Relation to Local Native Council Finance, 1941-1944; Kenya National Archives, 1950-1951). Although the allowance paid to members of local native councils in Kenya was increased to Shs. 10/- in the late 1950s, that amount was reduced to Shs. 7/- in 1963. The number of meetings scheduled for hearing cases were also reduced from six in the late 1950s to four meetings only per year in 1963 (Kenya National Archives, 1961-1969). Similar problems continued in the post-colonial period (Mara Regional Commissioner's Office, n.d.).

Therefore, to ensure that the integration of traditional and modern approaches is maintained and strengthened, the challenges narrated above should be sufficiently addressed. In order to ensure effective collaboration between traditional and state-designed institutions, such collaboration should operate under legal framework and not by chance and willingness of individual leaders. The Somaliland, Bougainville, Rwanda, Afghanistan, Vanuatu, and Sierra Leone cases which were cited earlier provide a good lesson on how traditional and modern institutions can be legally integrated. Furthermore, state interference in the operations of traditional institutions should be minimized.

Conclusion

This paper has, to some extent, shown that traditional and modern approaches of conflict management and resolutions have operated together since the colonial period to the post colonial period. However, such collaboration has mainly depended on the discretion of some government leaders, and rarely was grounded on some existing laws or bylaws. Evidence has shown that, in most cases, government officials did not rely on modern approaches alone but they also wanted the support of traditional institutions of conflict management and resolutions. Based on that evidence, I don't support

Boege (2006) and Sansculotte-Greenidge (2009)'s argument that African traditional approaches to conflict management and peacebuilding are ineffective, and that African conflicts should only be resolved through modern approaches. While I subscribe to some scholars (Castro & Ettenger, 1996; Castro & Nielsen, 2001; Murithi, 2006; Mutisi, 2009; Nweke, 2012; Mwakitalu, 2013) who believe that traditional approaches to conflict management and resolutions still have the potential for managing conflicts in Africa, I slightly differ with them that traditional approaches should not be left to work independently of themselves. Instead, there should be mutual cooperation between traditional and modern approaches as evidence has shown in this paper. This kind of mutual cooperation will definitely take us to an approach which I called an *integrative approach* of conflict resolution and peacebuilding in African communities.

In order to improve the performance of the two approaches, establish good synergies between the two approaches, and ensure that sustainable peace is attained among the Kuria, we generally need to address the challenges mentioned in this paper. In particular, we need to ensure that corruption is dealt with accordingly, traditional institutions of conflict management and resolutions are officially and legally recognized and protected, and collaboration between traditional and modern institutions of peacebuilding and conflict resolutions are legally established and reinforced.

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Special Note

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