Appeasing the Land: Local Peace Committees and the Legitimation of Traditional Peacemaking in Kenya[1]

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Abstract

In the last decade, the Kenyan state, reacting mainly to the 2007/2008 post-election violence and cases of intergroup conflicts, created local peace committees and conferred on them the rights to address specific disputes and prevent conflicts at the local level. Local peace committees are (superficially) modelled after social institutions deemed traditional, and are therefore an attempt to standardize an aspect of customary law. This article explores the ethnography of local peace committees in Enoosupukia, a former hotspot of interethnic clashes in Kenya. It relies on ethnographic data collected between 2014 and 2015 to describe the composition of local peace committees, discusses conflict resolution at the grass-roots level, and highlights their effectiveness and the emerging constraints on their performance. Although necessary in the resolution of local disputes through arbitration, local peace committees constitute hybrid governance arrangements, which tend to produce different modes of authority, operations, and legitimacy, with the possibility of intensifying clashes between traditional (informal) rules and formal law.

Keywords: local peace committees, peacemaking, conflict resolution, Enoosupukia, Kenya

Introduction: "voices from the field"

> *These two [Gitau, a Kikuyu and David, a Maasai] are of the same age-set [late 20s]. They are neighbours, and their parents live in the same village. As representatives of this age-set, we want peace between them. We mean no harm. If David is locked up in jail, Gitau will not have peace in his mind.*

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> *David must also reconcile with Gitau to have peace in his mind. The two families will only cooperate if they resolve this matter peacefully. (Representative of "emerues" age-set at Maiella police station, 13 May 2014)*

The representative of the "emerues" age-set (males mainly in their 20s) from a Maasai inhabited village in the south of Kenya's Rift Valley was addressing [the] police following a fight between members of the age-set[4]. Gitau and his mother are of Kikuyu descent. They migrated from North Kinangop in central Kenya in 1998 to the Maasai-inhabited Narok county, particularly in Enoosupukia, to rent farmland[5]. Enoosupukia, located in the borderlands of Narok and Nakuru counties, faced massive violence in the early 1990s perpetrated by an organized group of Maasai vigilantes against migrant Kikuyu farmers whom the Maasai (including Dorobo) inhabitants had sold, gifted, or rented land to in the twentieth century (Kioko and Bollig, 2015). In October 1993, the vigilantes, with the assistance of game wardens and administration police, killed dozens of Kikuyu farmers and evicted thousands from Enoosupukia, partly in the attempt to repossess the lands farmed by members of the group, and partly due to the politicisation of land and ethnic categories prior to, and after the 1992 general elections in Kenya.

Several years later, however, the majority Kikuyu whom the Maasai had evicted from Enoosupukia began to return to the former conflict area, some to re-rent land, while others sought to repossess their land claims, and some hoping to rebuild and/or nurture ties that the violence had disturbed[6]. The 1993 violence did not deter Gitau and his mother, and many landless others, from the pursuit of commodities (rental land for commercial and subsistence cultivation and livestock for trade, among others) in the hope of improving their wellbeing.

The single mother and her son rented some two acres of land at Ol tepesi le Parsimei village in Enoosupukia (Figure 1) from a Maasai landowner, and began to cultivate a mixture of crops for subsistence and commercial purposes. On the material day of the

4 Paul Spencer (2003; 2004) has explored age-organization and its sustainability in the Maasai society. The "emerues", in this context, may be understood as an "evolution" of "morans" – male Maasai warriors. The symbolic apparatus associated with "morans" and their activities lost much effect following unfavourable colonial and post-colonial policies. Such policies prohibited raiding and "militarized" incursions against neighbouring communities. The colonial government attached heavy penalties on raiders; it also recruited "morans" as government askaris (police) and organised various social activities, like sporting events, in the effort to keep them "busy", while using their skills to launch punitive expeditions (see Rhodes House, Oxford/Micr. Afri./515/Annual Report/1923-1924). In the studied Maasai/Kikuyu borderlands, the local administration (chiefs, police) and both Maasai and Kikuyu do not tolerate moranhood – community members report signs of "moran" activities or organization to state actors for action. Formal schools have replaced informal moranhood socialization.

5 Kenya's colonial history was influential in the shaping of post-colonial migration of native groups (for details of colonial-driven migration to the study area, see Kioko, 2016).

6 For detailed discussion of this process, see Kioko and Bollig (2015).

dispute in question, Gitau had hired David's boda boda (motorbike) services to ferry him from Maiella trading centre to his "home" at Ol tepesi le Parsimei village. Upon arrival, the two fell out on the price for the service and a fight ensued following the disagreement. Gitau suffered an injury to the leg and was rushed to a local hospital in Maiella trading centre where he was treated and discharged. Later that day, he recorded a compliant at the local police station in Maiella.

When the police summoned David, a few of his age-mates showed up instead. They successfully pleaded with the police to refer the matter back "home" for possible resolution through a local mechanism involving the arbitration of members of the age-set. Irrespective of his ethnic background, Gitau was subject to the cultural authority of his age group in his new Maasai village – he thus accepted the request to use a local mechanism (guided by Maasai norms and values) for a possible resolution. Gitau could have declined the request and, instead, opted to pursue the matter with the police (or other formal institutions). But members of his new village could have interpreted this as being disrespectful and disloyal to the existing order, and perhaps his unwillingness to belong. Irrespective of the importance that Maa-speakers attach to the money generated from land rentals, landowners can easily limit tenancy periods for land-seeking clients whom they consider disrespectful to social order – Gitau and his mother were no exception to this norm.

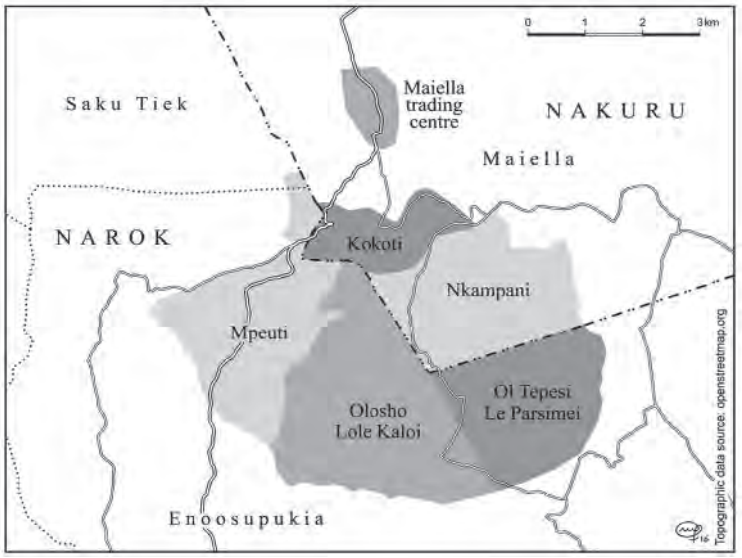

Figure 1. Study villages at the border of Maiella Sub-location and Enoosupukia Location, Kenya's Rift Valley (Kioko, 2016)

Negotiations involving friends and affiliates of the disputants followed at David's home, and he was found guilty of the offence of having started the fight and injuring Gitau.

His age-mates ordered him to reimburse Gitau with KES 200 for boda boda transport to the hospital, and to give him an ewe to make up for the offence and the lost blood – Gitau accepted the offer. The female sheep symbolised reunification of the disputants by the blood of the animal. This conflict resolution[7] process shares some insights with the Nuer (Hutchinson, 1996), where the author describes the value of "blood" in facilitating enduring and peaceful relations. Through reproduction, the society considers the young ones of such animals to represent the transformation of relationships and possible continuity of friendship between disputants.

Disputes involving land boundaries, land ownership, and herder-farmer cases are not new in the south of Kenya's Rift Valley. Informants noted that between the late 1960s and the early 1990s when thousands of Kikuyu migrants arrived in Maasailand in search of farmland[8], small-scale interpersonal disputes, as the one described here, could easily transform into large-scale intergroup rivalry and possible violent conflicts with serious ramifications. This precarious state was instrumental for organized violence in October 1993 against the Kikuyu, primarily due to their unwillingness to vote for a local Maasai politician in the 1992 general elections (Akiwumi, 2001; Klopp, 2001).

Following related intergroup violent conflicts in other parts of Kenya, and the 2007/2008 post-election violence, [9] the state embarked on devolution of capacities for ensuring security and peace to the local level. The state gave the rights to handle specific local conflicts to Local Peace Committees (LPCs) in the attempt to standardize an aspect of customary law. Ideally, LPCs are meant to solve local conflicts through arbitration and by applying local norms and values that groups have internalised by sharing social-ecological spaces and problems.

The National Policy on Peace Building and Conflict Management (NPPBCM, 2011) defines LPCs as "peace architectures bringing together traditional dispute resolution mechanisms involving traditional elders, women, religious leaders, and NGO initiatives on the one hand and formal mechanisms for conflict resolution including those by government administrative and security agencies on the other". How are LPCs constituted, and in what ways has the recent effort by the state to "implant" grassroots-level institutions affected the management of local conflicts? Under what circumstances can LPCs contribute institutional support for peaceful conflict management? Investigating

7 Conflict resolution is understood as the settlement or avoidance of disputes between individuals or groups of people through solutions that refrain from violence and that attempt to reunify, re-harmonise, and preserve amicable relations between people involved in internal conflicts (Bonta, 1996: 406).

8 The majority Kikuyu migrants had lost their lands and settlements following British expropriation of native lands in the Central Province of Kenya since the late nineteenth century (see Anderson, 2005).

9 For details on the post-election violence, its causes, and the areas affected, see Waki (2008); Available online, www.kenyalaw.org/.../Reports/Commission_of_Inquiry_into_Post_Election_Violence (Accessed 07.10.2015)

these questions will be the focus of the present article.

This article is organized along the following lines: (1) legitimation of traditional peacemaking, (2) the state vision plan for LPCs, (3) adaptation of LPCs to local settings, and (4) dispute settlement at the local levels, with reference to the effectiveness and constraints facing these neo-traditional institutions, and Kenya's devolved peace and security apparatus.

The three study villages of Enoosupukia, that is, Mpeuti, Ol tepesi le Parsimei, and Olosho lole Kaloi, were sampled conveniently due to their strategic location bordering the Kikuyu inhabited villages of Maiella in Nakuru county, including Maiella trading centre, Kokoti, and Nkampani (Figure 1). Kikuyu farmers and other land-seeking clients prefer these villages because of their close proximity to their homes in said villages.

Data collection primarily relied on (focus) group discussions with participants drawn from the villages' LPCs. Each of the three villages has an LPC composed of 11 members, which exercises jurisdiction over the specific village (see Tables 2, 3 and 4 for the composition of LPCs in the three villages). Participation in selected conflict resolution proceedings was important to observe and record (through note taking and voice recording) the settlement events in real time. Oral testimonies from purposively selected disputants shed light on continuing disputes. By investigating the matters in dispute that LPCs had already resolved, we were able to gain deeper knowledge on the durability of settlements and adherence to agreements, as well as the attitudes of disputants and their affiliates after a specific dispute. Archival research at Rhodes House library in Oxford (in January 2016) helped to contextualise the history of indigenous judicial institutions in Kenya, and their consequent change following the introduction of English Law and related colonial policies.

Legitimation of Traditional Peacemaking: Value and Limits

Do African-centred solutions to local conflicts lie in the legitimation of traditional norms, values, and practices? Roger Mac Ginty (2011) understands 'traditional' as referring to:

> *"norms and practices that draw on long-standing modes of operation, and whose long-standing antecedence implies possible expectation that traditional norms and practices will have a cultural resonance among sections of the population and will be able to connect with folk memory and cultural expectations (2011: 49).*

Although 'traditional' is often used interchangeably with 'indigenous', the two terms do not have precisely the same meaning. Mac Ginty (2011: 49) notes that "'indigenous'

usually applies in its common usage to peoples that inhabited a region before it was colonised by actors and technologies from the global north".

With reference to reconciliation and peacemaking[10], the Gacaca courts or tribunals in post-genocide Rwanda are often presented as a "successful" transitional justice apparatus (Clark, 2010). These community-based tribunals allow community members to come together – often on a patch of grass in the centre of a village – and publicly air their grievances through the adjudication of community elders (Mac Ginty, 2011).

The main value of traditional peacemaking rests on its bottom-up participatory approach. Here, traditional norms and practices often aim to restore peace and goodwill, and to bind or re-bind the two disputing groups together into a give-and-take reciprocity. It contrasts with interventionism (see cases in Institute for Peace and Security Studies, 2016) and other popular top-bottom approaches (driven largely by formal laws and procedures), which often tend to have little or no concern for the social implications of a dispute or settlement.

In Kenya, for instance, state- and/or elite-driven measures (like politically driven peace caravans), which have been the cornerstone of peacebuilding[11] and conflict resolution efforts since independence, have not been particularly effective in preventing, responding to, or resolving intercommunity resource-related violent conflicts and crime (Chopra, 2008; Odendaal, 2010). Chopra (2008:) notes that "official laws and judicial processes lack the capacity to understand the locals' definition of crime and conflict resolution – ideas and value systems of local communities, which define crime and prescribe how conflicts should be solved".

Consequently, recent years have seen a resurgence of international interest in indigenous, traditional, and community-driven approaches to peacemaking, peacebuilding, and reconciliation as, "they connect with wider normative goals of 'local ownership' and 'sustainability'" (Mac Ginty, 2011: 47). However, the author also highlights some of the dangers that may be associated with the "romanticisation of the local":

1. Many indigenous and traditional approaches to peacemaking, dispute resolution, and reconciliation are conservative and reinforce the position of powerholders. Women, minorities, and the young are often excluded, and an emphasis is placed

10 In "An agenda for Peace" (Boutros-Ghali, 1992), "peacemaking' is action to bring hostile parties to agreement, essentially through such peaceful means".

11 Peacebuilding broadly focuses on the social, psychological, political, and economic environments at the grassroots level and aims to create a structure of peace that is based on justice, equity, and cooperation (i.e. positive peace), thereby addressing the underlying causes of violent conflict so that they become less likely in the future (Gawerc, 2006: 339).

on conformity and a numbing of activism, criticism, and radical change.

2. In many cases, the indigenous and traditional approaches are merely containment strategies that, while local and sustainable, do not have the potential to transform conflicts by critically examining their basis.
3. Indigenous, traditional, and customary approaches to resolving conflict rely on a dynamic socio-cultural environment; they are woven together in an intricate web of changing ideas such as hybridity, essentialism, authenticity, diaspora, Third World, and Fourth World, which often distort the environment that supports indigenous approaches (see also Weaver, 2000: 221-231).

In the Maasai/Kikuyu agro-pastoral area of Enoosupukia in Narok county, LPCs have gained considerable prominence in the last decade for rendering themselves useful in the prevention and nonviolent resolution of local disputes. However, these institutions are not a new phenomenon – they are reminiscent of historical patterns, as described below.

Reintroduction of indigenous authority in Kenya: 1890s-2000s

Traditional judicial institutions in Kenya have passed through successive stages with reference to the development and changes of policy in the last century (under colonial and post-colonial regimes). Arthur Phillip (1945), writing on behalf of the colonial government of Kenya, summarizes the stages of development and changes of policy regarding traditional judicial institutions in a 1945 report[12]. In Table I below, the period after Kenya's independence (1963) is included to illustrate a form of "renaissance" of traditional authority, which is largely driven by contemporary social-political dynamics.

12 Rhodes House/Weston Library. 753.12, r.7/1945 (1). Report on Native Tribunals by Arthur Phillip, Crown Council, pp. 13-15. Government Printer, Nairobi: In, RHO, 753.12, r. 7: Kenya Miscellaneous Blue Books on Social Affairs, 1930-1958.

Table 1. Transformation of indigenous judicial institutions in the last century

Period	Changes in policy on indigenous judicial institutions
1895-1902	The British government in Kenya vaguely recognized the existence of certain indigenous judicial institutions or councils of elders, which exercised authority over native groups. Councils of elders heard and determined civil cases (e.g. land disputes) for respective native groups by applying local norms, values, and institutions (native law and customs). They also dealt with criminal cases, such as homicide, where elders ceremonially cleansed offenders through ritual sacrifices to allow their reincorporation into society. Although the Europeans did not understand the nature of these institutions, they tolerated the continued exercising by them of their traditional functions under the 1897 Native Courts Regulation, except in certain restricted areas in which a system of direct administration had already been established. The colonial administration extended this direct system in the course of time to supersede entirely the indigenous institutions.
1902-1910	The colonial administration, through Provincial Commissioners (PCs), introduced a method of administration through the agency of government headmen (chiefs), and native tribunals became closely associated with it. Chiefs rapidly acquired considerable power because of the backing given to them by the government, and this power extended to the administration of justice. Even though the jurisdiction of the council of elders was recognized, the influence of the chief seemed usually to have been dominant. Later, the 1907 Courts Ordinance repealed all earlier provisions of the authority of indigenous judicial institutions. The elders, who were traditionally qualified to exercise judicial functions, were driven into an attitude of apathy, of sulky acquiescence, or even of hostility. Under the Ordinance, the role of chiefs fell under the supervision of the Governor, and their jurisdiction was limited to civil matters where the amount claimed did not exceed 250 rupees, and to "petty" criminal matters, excluding serious crimes such as homicide. These changes, according to Arthur Phillip, may have "sown seeds of many future difficulties".

1910-1920	The governorship of Sir Percy Girouard saw a notable change in the policy. The aim of the 1911 Native Tribunal Rules was to reduce native tribunals altogether. The Governor recognized only a few councils of elders, which were constituted under and in accordance with native laws and customs to exercise jurisdiction over the members of a native community. This change seemed improbable because it excluded many other native tribunals, which according to native laws and customs had jurisdiction over natives and which "deserved" recognition as well. In response to grievances raised by native groups concerning the rules, the administration attempted to restore the authority of indigenous judicial bodies, but this, according to Arthur Phillip, "was more easily said than done…the authority and the self-confidence of those bodies had been badly shaken". Chiefs retained authority on judicial matters. The result was that the tribunals still ended up being subservient to the chiefs, and if they did try to assert their independence, they found themselves powerless to enforce their judgements. Collisions between native law and custom and English law intensified. For instance, the Kikuyu queried the idea of criminal law to prohibit athamaki a kiama (councils of elders) from sentencing witch-doctors to death by burning. Moreover, native groups opposed the suggestion that land (and other) cases should be taken to Nairobi to be decided by judges who knew "nothing" about native law and customs.
1920-1930	Administration officials at the district level, driven by the desire to control native tribunals that were still in operation, levelled many accusations against them to convince the central government that such tribunals were "useless" if left unchecked. They reported on the unsatisfactory state of the native tribunals, some referring to them as generally corrupt and inefficient, and a state of affairs they attributed to lack of supervision. Some complained that "courts of elders will not for some generations, if ever, be satisfactory criminal courts". Others noted that "courts held by elders if not closely supervised by European officers would invariably lead to great abuses". Others complained that government was lending its support to a native judicature, which was corrupt and largely "impotent". Such accusation led colonial officials to enforce a policy of close supervision of tribunals at the district level following the 1930 Native Tribunal Ordinance. The effect was a further reduction of native tribunals.

1920-1930	By the 1940s, much disagreement existed regarding the procedure for resolving disputes. Native methods aimed to restore peace and goodwill, and to bind or re-bind the two disputing groups together into a give-and-take reciprocity. The European system tended to widen the gulf between disputants by granting all the rights to one of them to the exclusion of the other, with no cognisance of the social implications this might have.
1945-1963	During this period, the administration constructed modern courthouses, leading to the greater separation of the executive and judiciary. All these changes involved, in most cases, an ever-increasing departure from native custom, and a reduction of the number of members of native tribunals. According to Arthur Phillip, only ten elders were to be paid each month, instead of the fifteen or twenty who had exercised judicial authority before the changes were effected. In the report, Arthur Phillip noted that out of hundreds of tribunals, only 139 native tribunals existed as of 1945. These were as follows: Coast Province, 42; Nyanza Province, 29; Rift Valley Province, 22; Maasai District, 11; Northern Frontier District, 10; Turkana District, Nil. Hundreds of councils of elders and native tribunals lost effectiveness by the 1940s. Collision between English law and native law and customs persisted. Native groups opposed punishment by death, imprisonment, or fine in criminal law, preferring instead settlement by compensation and reincorporation into society through a ritual repast, or re-communion through a ritual sacrifice.
1963-1990s	The independent government of Kenya adopted the colonial legacy (formal/ English law), which led to an ever-increasing departure from native law and customs. The government supported chiefs, who henceforth exercised an absolute mandate to mediate civil cases in the local levels. The state also supplied chiefs with a few police officers with whom to enforce orders. At the time, the social inequalities, which were principally rooted in colonial land policies, began to shape tenure problems in local environments, leading to instances of often politicised land disputes and violent conflicts. Freedom of movement also created instances of interethnic conflicts, which were mainly linked to control over resources.

1990s-2000	Resource-based conflicts, including cattle raids, became notorious particularly in the pastoral regions. Due to what many attributed to state failure in the management of intercommunity violence, councils of elders in these marginalized arid and semi-arid areas (with little or no presence of security agencies) seemed to be the only solution to rampant insecurity, conflicts, and cattle raiding. Indeed, some councils of elders and local peacebuilding initiatives, supported by faith-based organizations and NGOs, gained considerable recognition for rendering themselves useful in local affairs. Councils of elders, particularly in northern Kenya, became popular following the prevention and resolution of rampant inter-clan raiding and competition over pastures and water points, which had caused massive inter-clan attacks. In Wajir county, for instance, the Degodia and Ngare clans signed the Al Fatah Declaration, Modogashe Declaration, and Garissa Declaration, through the agency of local elders. These declarations prescribed penalties for raiding, murder, and related crimes. They also provided channels for cooperative resource use allowing "outsiders" to negotiate for grass and water points peacefully (for further discussions on these declarations see Chopra, 2008; Menkhaus, 2008; Odendaal, 2010). Similar peacebuilding strategies at the community level also gained some popularity among other communities in Kenya during this period (see examples in Pkalya, Adan and Masinde, 2004; Cuppen, 2013).
2000-2015	Following the 2007/2008 post-election violence and increasing instances of politicised interethnic conflicts in Kenya, the state – through inspiration from the pastoral peace initiatives, specifically the community-based peace agenda in Wajir – created neo-traditional institutions at the community level, which were (superficially) shaped after customary law. In 2010 (or thereabouts), local peace committees were enshrined in the Laws of Kenya, Cap 10, Article 159 (2) as attempts to co-manage conflict and crime prevention.

As shown in Table 1, LPCs have gained considerable presence in local affairs, at least since the early 2000s, but the official conferment of rights on them under the Kenya's Constitution in 2010 enhanced their legitimacy. However, while the agenda of LPCs is well known, the problem lies mainly in the multiplicity of ethnic groups in shared environments who are commonly guided by "different" norms, values, and internalised mechanisms of solving local conflicts. The "different" cultural backgrounds, heterogeneous access, and control of resources, divergent motivations and ideas are important considerations for any meaningful arbitration process. Moreover, these neo-traditional institutions come against the backdrop of pertinent challenges of politicisation of land and ethnic categories, a leading cause of intergroup resource-based violent conflicts in Kenya. Did the state put these factors into consideration when designing LPCs?

State Vision Plan for Local Peace Committees

During the 1990s and early 2000s, local peacebuilding initiatives, partly fostered by NGOs and Faith-Based Organizations (FBOs) and partly based on traditional clan structures, engaged themselves successfully in conflict resolution. Notably, in Wajir, northern Kenya, a group of local women engaged local elders from the warring Degodia and Ngare clans in a peacemaking process, between 1990 and 1993, that helped to end violence between the groups (Menkhaus, 2008).

This experience partly informed the state policymaking, when in 2001 it created a National Steering Committee on Peacebuilding and Conflict Management (NSC), to coordinate peacebuilding and conflict-management activities in the country. The NSC brought together state and non-state actors, including key ministries, civil society organizations (e.g. National Council of Churches in Kenya; Peace and Development Network), international organizations (e.g. Saferworld, Mercy Corps), and development partners (e.g. USAID)[13].

Considering decentralization and delegation of conflict-mitigation responsibilities, the NSC created LPCs at the community/village level in an effort to integrate informal (customary-based) conflict-resolution mechanisms with formal ones (e.g. by courts). Chairs of LPCs and chiefs, who are the "eyes" of the central government at the local level, form the Sub-location (or Location) peace and security committee, while chiefs and other state administrators at the Ward level form the ward peace and security committee, and the structure becomes increasingly bureaucratic at higher levels, as shown in Figure 2.

Superficially, the 47 counties of Kenya have individual structures relatively similar to that shown below. Arguably, therefore, NSC and the central government's Ministry of Internal Security (Interior Ministry) coordinate a rather amorphous peace and security framework. The interlinkages indicated by the arrows in Figure 2 show intended synergies between committees, the right/authority to order/control, and possible provisions of legitimacy.

13 See http://www.nscpeace.go.ke/about-us/membership.html

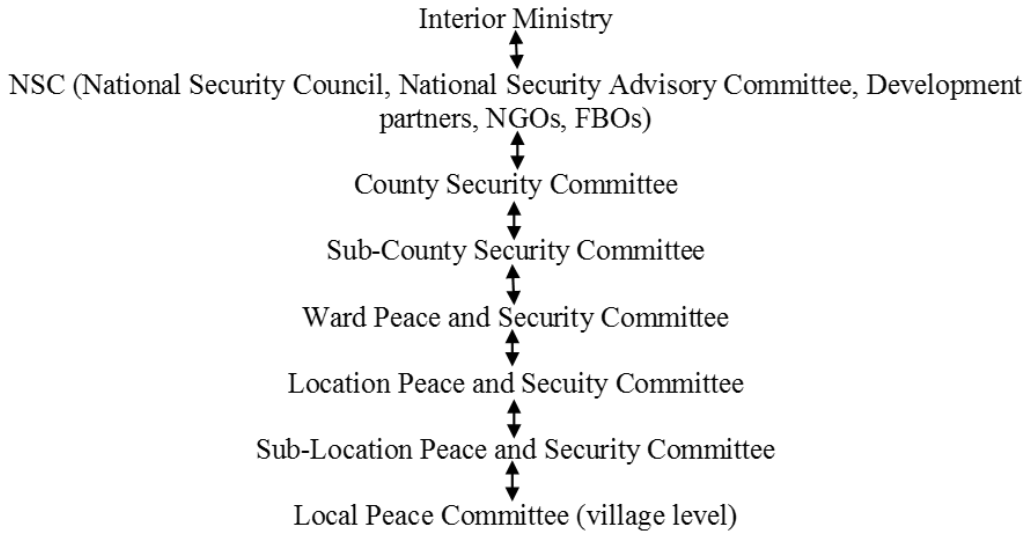

Figure 2. Kenya's devolved peace and security institutions (Source: Field Data, 2014)

The overarching role of LPCs, as outlined in the National Policy on Peacebuilding and Conflict Management (NPPBCM, 2011), is to broker agreements between conflicting parties. LPCs in Enoosupukia, however, have developed a very broad and somewhat vague portfolio drawing from ideas shared by both the NSC and the NPPBCM. LPCs in Enoosupukia outlined the following roles that are more about "what to do" and less about "how to do" it:

1. Preventing, managing, and resolving land- and ethnic disputes;
2. Resolving inter-clan cattle rustling;
3. Spearheading community policing (surveillance);
4. Ensuring children (boys and girls) receive an education, and reporting parents who discriminate based on gender in schooling to the local administration for possible prosecution;
5. Developing ways to end possible cases of early marriage and school dropouts;
6. Monitoring and reporting (to state agencies) early warning signs of intra-/intergroup rivalry, as well as reporting politicians who preach ethnic essentialism through inflammatory statements;
7. Monitoring development projects and reporting pertinent infrastructural and related needs to the local administration and higher offices.

How, then, did villagers adapt the "new" LPCs to their local environments?

Adapting local peace committees to the local environment of Enoosupukia

Usually chiefs, in liaison with other government officials, call for a baraza[14] whenever there is need to address community members regarding important matters affecting them. Some months after the 2007/2008 post-election violence, residents of Enoosupukia were called to a baraza to select members for LPCs. During the baraza, county officials briefed villagers on the requirements of age, gender, and ethnicity for membership in LPCs, and facilitated the selection of members. The crowd then split into village groupings and each group selected a team of eleven LPC members. The LPCs henceforth exercised jurisdiction over their respective villages.

The selection process was quite informal; villagers called out names of possible candidates, and either supported or rejected the names by raising hands without giving any reasons for their choice. Thereafter, committees drawn from each village nominated a chair, a vice-chair, and a secretary. There was no need for a treasurer because these committees do not handle money. Concerns over unclear village boundaries and jurisdiction did little to stop the selection process.

The number of persons who constitute each committee (eleven) is significant. This odd number allows committee members to uphold or reject decisions (e.g. on a settlement, removal of a member from office, etc.) with limited risk of getting equal numbers on either side when they vote. However, based on observation, settlements seldom involve voting, and rarely will all committee members turn up for meetings. Usually, only the officials (chair, vice-chair, and secretary) are actively involved in the day-to-day affairs of the committee, probably because they stand a better chance of receiving "compensation" money or food from disputants following successful arbitration. Tables 2, 3, and 4 show personal attributes of committee members who constitute the LPCs of Mpeuti, Olosho lole Kaloi, and Ol tepesi le Parsimei villages. Table 5 analyzes the personal attributes of members of these committees combined.

14 Swahili word for *council*, but commonly used to refer to formal meetings attended by villagers, local administration, and representatives of the central government.

Table 2. Personal attributes of local peace committee members of Mpeuti village

Members	Designation	Sex	Age	Ethnicity	Education	Wealth/Income
M1	Chair	M	50	Dorobo	Primary dropout	1. Owns 10 acres of land 2. Leased 6 acres to 5 Kikuyu tenants 3. Farms 2 acres of land 4. Livestock: 10 cattle
M2	Secretary	M	67	nusu nusu (Kikuyu/ Maasai)	Primary complete	1. Owns 6 acres of land 2. Farms 4 acres of land 3. Livestock: 4 cows
M3	Vice-chair	M	38	Dorobo	Secondary dropout	1. Owns 8 acres of land 2. Leased 6 acres to 8 Kikuyu tenants 3. Farms 3 acres of land 4. Livestock: 10 cattle
M4	Senior elder	M	50	Dorobo	Primary dropout	1. Owns 5 acres of land 2. Leased 3 acres to 4 Kikuyu tenants 3. Farms an acre of land 4. Livestock: 2 cows

M5	Senior elder	F	50	Dorobo	None	1. Owns 5 acres of land 2. Leased 3 acres to 5 Kikuyu tenants 3. Farms an acre of land 4. Livestock: 2 cows
M6	Youth	F	30	nusu nusu (Kikuyu/ Maasai)	Primary dropout	1. Farms an acre of land
M7	Senior elder	F	70	Dorobo	None	1. Owns 5 acres of land 2. Leased 3 acres to 5 Kikuyu tenants 3. Livestock: 3 cows
M8	Junior elder	M	45	nusu nusu (Dorobo/ Kikuyu)	Primary dropout	1. Owns 6 acres of land 2. Leased 2 acres to 3 Kikuyu tenants 3. Livestock: 4 small stock 4. Farms 2 acres of land
M9	Junior elder	M	40	Dorobo	Primary dropout	1. Owns 10 acres of land 2. Leased 6 acres to 7 Kikuyu tenants 3. Livestock: 1 cow 4. Farms 2 acres of land

M10	Pastor and Senior elder	M	50	Dorobo	Diploma	1. Owns 8 acres of land 2. Leased 5 acres to 6 Kikuyu tenants 3. Farms 2 acres of land 4. Livestock: 5 cattle
M11	Senior elder	M	67	Maasai	None	Supported by family

(Source: field data, 2014)

Table 3. Personal attributes of local peace committee members of Olosho lole Kaloi village

Members	Designation	Sex	Age	Ethnicity	Education	Wealth/Income
M1	Chair	M	56	Maasai	None	1. Owns 15 acres of land 2. Business: runs a shop, hotel and a Corn-mill at his home. 3. Livestock: 150 small stock; 10 cattle
M2	Vice chair	M	38	Maasai	Primary dropout	1. Owns 35 acres of land 2. Farms 6 acres of land 3. Business: sale of Irish potatoes 4. Livestock: 40 small stock
M3	Secretary	M	30	nusu nusu (Maasai/ Kikuyu)	Primary complete	1. Owns 7 acres of land 2. Farms 4 acres of land 3. Leased 3 acres to a Kikuyu tenant 4. Livestock: 30 small stock

M4	Junior elder	M	45	Maasai	None	1. Owns 20 acres of land 2. Farms 2 acres of land 2. Livestock: 80 small stock; 20 cattle
M5	Youth	F	35	nusu nusu (Kikuyu/ Kalenjin)	Primary complete	1. Farms an acre of land
M6	Senior elder	F	50	Kikuyu (married by a Maasai)	Primary dropout	1. Farms 5 acres of land
M7	Senior elder	M	40	nusu nusu (Maasai/ Kikuyu)	Primary complete	1. Farms 10 acres of land 2. Leased 5 acres to 4 Kikuyu tenants 3. Business: livestock trader/broker 4. Livestock: 30 small stock; 5 cattle
M8	Senior elder	M	52	Maasai	None	1. Owns 30 acres of land 2. Farms an acre of land
M9	Senior elder	F	47	Maasai	None	1. Owns 8 acres of land 2. Livestock: 150 small stock
M10	Youth	F	39	Maasai	Primary complete	1. Farms an acre of land
M11	Youth	F	33	Maasai	None	1. Farms an acre of land

(Source: field data, 2014)

Table 4. Personal attributes of local peace committee members of Ol tepesi le Parsimei village

Members	Designation	Sex	Age	Ethnicity	Education	Wealth/Income
M1	Chair	M	38	Maasai	None	1. Owns 30 acres of land 2. Leased 10 acres of land to 5 Kikuyu tenants 3. Farms 3 acres of land 4. Livestock: 400 small stock; 50 cattle
M2	Secretary and chief advisor to the area chief	M	42	Maasai	Primary complete	1. Owns 30 acres of land 2. Farms 12 acres of land 3. Livestock: 375 small stock; 35 cattle
M3	Vice-chair	M	45	Maasai	Primary dropout	1. Owns 45 acres of land 2. Farms 20 acres of land 3. Livestock: 350 small stock; 100 cattle
M4	Senior elder	M	50	Maasai	None	1. Owns 50 acres of land 2. Farms 15 acres of land 3. Livestock: 48 small stock; 10 cows
M5	Senior elder	M	55	Maasai	None	1. Owns 30 acres of land 2. Farms 10 acres of land 3. Leased 4 acres to 2 Kikuyu tenants 4. Livestock: 50 small stock; 10 cattle

M6	Junior elder	M	45	Maasai	None	1. Owns 30 acres of land 2. Farms 3 acres of land 3. Leased 5 acres to 2 Kikuyu tenants 4. Livestock: 70 small stock; 30 cattle
M7	Youth	M	37	Maasai	Primary dropout	1. Owns 30 acres of land 2. Farms an acre of land 3. Leased 3 acres to 2 Kikuyu tenants 4. Livestock: 50 small stock; 10 cattle
M8	Youth	M	45	Maasai	None	1. Owns 30 acres of land 2. Farms 4 acres of land 3. Leased 4 acres to 4 Kikuyu tenants 4. Livestock: 70 small stock; 10 cattle 5. Business: livestock trader/broker
M9	Junior elder	F	40	Kikuyu (married to a Maasai)	Primary dropout	1. Business (supply of Irish potatoes) 2. Farms 3 acres of land
M10	Senior elder	F	50	Maasai	None	1. Farms an acre of land
M11	Youth	F	35	Maasai	Primary complete	1. Farms 3 acres of land

(Source: field data, 2014)

Table 5. Composition of local peace committee members in Enoosupukia, Narok County

Variables		N	%
Gender	Male	22	66.7
	Female	11	33.3
Age	30-40	13	39.4
	41-50	15	45.5
	51-60	2	6.1
	>61	3	9.1
Ethnicity	Maasai	18	54.5
	Dorobo	7	21.2
	Nusu nusu	6	18.2
	Kikuyu	2	6.1
Education	None	14	42.4
	Primary dropout	10	30.3
	Primary complete	7	21.2
	Secondary dropout	1	3
	Diploma	1	3
Main Sources of Income	Livestock	23	69.7
	Leasing farmland	15	45.5
	Farming on own land	29	88.8
	Business	4	12.1

(Source:field date, 2014)

In stark contrast to indigenous judicial institutions, which were mainly composed of male elders, members of LPCs include women and youth (at least one third), as shown in Table 5. The state aims to mainstream gender issues in conflict resolution by empowering women towards peacebuilding and the long-term mitigation of conflict (NPPBCM, 2011). However, the cultural norms of patriarchy and the socially constructed gender roles still present inequalities between men and women in dispute resolution. Interestingly, elders (over 60 years of age) are rarely involved. Instead, males in their 30s and 40s are largely preferred as committee members.

However, the few elders over 60 are necessary because they possess historical knowledge of land matters. They also pronounce curses by invoking supernatural power to resolve difficult matters (discussed below). There is considerable ethnic diversity in LPCs.

However, and perhaps as might be expected, members of dominant ethnic groups in a particular village predominate in the respective committees (see Tables 2, 3, and 4 above).

Literacy is not a requirement for membership of a committee. Consequently, almost half of committee members are illiterate (42%). Only a few have attended some introductory classes in formal education. Although important, conflict resolution through application of local norms and values may not necessarily require skills acquired through formal education. Nevertheless, almost all committee secretaries can read and write. They keep records of dispute resolution proceedings and of settlements.

Many committee members speak the local languages (Maa and Gikuyu) as well as Swahili. This enables the use of indigenous languages in dispute resolution, which encourages dialogue but does not necessarily guarantee settlements. Committee members subsist on several income-generating activities. Almost all of them own land individually or through their families (see Tables 2, 3, and 4). The majority (about 90%) engage in subsistence and small-scale commercial cultivation. A good number are landowners who lease farmland to tenants of Kikuyu descent. A large percentage (about 70%) own livestock in varying quantities, except for women who, according to patriarchal norms in the Maasai society, rarely have ownership or disposal rights to land and livestock, unless they acquired them mainly through purchase or as gifts.

In some villages, elders rarely involve themselves with matters (in dispute) that involve the younger generation, as described in the case of Ol tepesi le Parsimei village below.

"This is our private affair": Dispute Resolution among the "Emerues" Age-set

The case provided at the start of this article exemplifies dispute resolution among the "emerues" age-set (young Maasai males), an important "outgrowth" of LPCs, which is rooted in the age organization of the Maasai society. In Ol tepesi le Parsimei village, the Emerues age-set strives to resolve disputes involving individual peers and their families without involving the elders. These youths take dispute resolution as a "private" affair that must be confined within their age group.

Seeking advice or assistance from elders to resolve a matter in dispute reduces the respect that society accords Emerues as future leaders of the community. The society perceives male youths as weak and ill-prepared for future responsibilities in the society if they make a habit of consulting elders about their own affairs. Furthermore, as observed, the society attributes a failure of male youths to resolve a matter in dispute to disunity and possible malfunction of the age-set system. Such a failure amounts to public shame

and strikes a serious blow to the symbolic apparatus of power and authority, which, for example, could jeopardize the chances to marry their preferred brides.

Arguably, therefore, attempts to integrate LPCs and dispute resolution into the traditional age-set organization prepares youths for future roles as elders and leaders of the society, an image that youths must protect. According to the elders interviewed, such an arrangement helps to nurture decision-making skills among the young generation and equips them for possible tougher times, when their decisions will transcend their immediate group. Moreover, the younger ones are socialized in these values - thereby enhancing cultural learning.

Interestingly, the Emerues attend to disputes that involve all members of their age group in the village, irrespective of their ethnic background. Therefore, Kikuyu land-seeking clients and other non-Maasai youths who work or live in specific Maasai villages are under the cultural authority of the age group. As observed during fieldwork, the Emerues also influence their wives and families to respect the age-set and to report land, marital, and related disputes to members within the age category. This also applies to Kikuyu women in the lower age category who are married in the Maasai villages. They too must report their complaints to members of the age group, except when the nature of the matter in dispute demands the audience of the elders (women or men) and in-laws, such as marital abuse that threatens to breakdown the relationship.

By doing so, Kikuyu women, just as expected of the few Maasai women who marry Kikuyu men[15], are encultured to respect their elders as their own mothers and fathers, and those in their age group as their own sisters and brothers. This explains the elaborate social space that women consciously maintain with respect to age in their sitting arrangement at weddings, funerals, and related social gatherings.

Living cultures; living traditions

Traditional norms and practices of peacemaking have always been dynamic rather than static. Due to contact with European cultures, the experiences of colonialism and international movements of peoples (Weaver, 2000), and related processes that come in the wake of globalization, such traditions (and cultures) are changing constantly. In the studied area, rarely will actors follow their nineteenth century traditions to the letter (such as the sentencing of witch doctors to death by burning; see Table 1) – curses are also extremely rare, because of their possible externalities, which could include the death of persons following punishment by supernatural forces. Such traditional

15 The disparity in marriage and related explanations are discussed in Kioko and Bollig (2015).

methods of solving matters in dispute have come into sharp contrast with international human rights. In most cases, therefore, the nature of a dispute guides LPCs to design "modern" resolution methods, often relying on the goodwill of disputants and their previous relations before the dispute. The case below exemplifies how an LPC designed a methodology to resolve a matter involving illegal logging.

Case: Unauthorized logging

Mailot, the plaintiff, is a Maasai who owns 12 acres of land, adjacent to that of Kairu, a Kikuyu who inherited land from his father at Mpeuti village. Mailot lives in Duka Moja, about 60km from Mpeuti village. He has therefore leased his farm to about eight Kikuyu tenants who engage in subsistence and commercial cultivation. To avoid frequent visits to his farm, Mailot arranged with his neighbour, Kairu, to keep an eye on his farm for possible land grabbers and to keep watch over the activities of his tenants. Henceforth, Mailot entrusted Kairu to lease his land to interested tenants, receive their payment, and then send the rental money to him. In return for this, Mailot paid Kairu a small portion of the money collected from the tenants for their leases. Usually, Kairu would subtract his portion of money and then send the balance to Mailot often through mobile money transfer, popularly known as M-PESA.

This mutually beneficial arrangement between these neighbours lasted for several years. However, sometime in 2014, Kairu took advantage of Mailot's absence from Mpeuti village and helped himself to a few trees from his farm to sell as timber. One day, Kairu hired a power saw and descended on Mailot's trees, cutting down several of them. Mailot's tenants, who were working on their rented plots at the time, witnessed the incident, and called their landlord by phone to report Kairu's actions.

Upon receiving the information, Mailot called the chair of the Local Peace Committee (LPC) at Mpeuti village by phone, who immediately informed other committee members about the complaint. LPC members in Mpeuti village, just as in other villages, live near each other. This reduces the amount of time taken to inform one another about an incident that requires their attention. The chair managed to gather a few members, and together they went to Mailot's farm, where they found Kairu already splitting the wood. Kairu was surprised that the tenants he was meant to supervise had reported him to the landowner. After a while, an angry Mailot arrived on a boda boda (motorcycle). While pleading for forgiveness, Kairu claimed that he was not sure about the extent of his boundary, although it was very clear to everyone, including the LPC, that he had crossed it.

Nevertheless, Mailot decided to bring a surveyor to align the boundary. After this brief exercise, Kairu accepted his mistake. However, Mailot was not quick to forgive his neighbour. Instead, he demanded KES 50,000 as compensation when he realized that Kairu had cut down more trees for sale from his farm before.

Committee members deliberated on the matter for a while, after which the chair noted:

> *You two have been good neighbours all along. You must keep this in mind. This arrangement has been good for both of you until this very moment. It is also good of you [pointing at Kairu] to accept your mistake and to ask for forgiveness. However, you also know very well how long it takes to protect a tree to maturity. Therefore, you should also understand why Mailot is angry with you. Our intention is to see this friendship grow. Therefore, it should not be broken by this incident.*

He continued,

> *While the committee acknowledges the loss, we also feel that the compensation quoted is quite high. Although your neighbour [looking at Mailot] has committed an offence, he had not yet sold the timber; perhaps you may want to sell it yourself and use the money. The committee believes Kairu should reimburse you [Mailot] KES 2,000 to cover the cost of the boda boda and to cover the surveyor's fee. The committee also directs Kairu to plant a hundred trees to replace the few he has cut down. He will care for these trees to maturity.*

After some deliberations, Mailot and Kairu were satisfied with the decision. They shook hands, perhaps to signify a reunion. A few weeks later, Kairu planted the trees as asked. The two neighbours maintained their friendship and, after a while, they resumed their previous arrangement – Kairu continued to manage leaseholds on land on behalf of Mailot.

This case exemplifies the reciprocal and symbolic relationships between actors in a leasehold arrangement (land-seeking tenants and the landowners). It also contributes to the principal-agent theory (see Eisenhardt, 1989; Miller and Watford, 2002). The presence of tenants on a parcel of land deters possible land grabbers and unauthorised loggers. By reporting the incidence to Mailot, his tenants protected his ownership rights to the land. It also served as a way of creating trust between the tenants and their landlord, which could possibly guarantee the extension of their leasehold periods.

The case also demonstrates trust building between Maasai and Kikuyu neighbours in general. Despite his offence, Kairu retained his role on Mailot's farm. One may argue that such cross-cutting ties enhance social solidarity across ethnic boundaries despite possible disputes. Moreover, the ties transcend the immediate reasons for which they are intended, and transform economic relations into socially beneficial networks, which aim to increase both social and economic benefits among concerned actors. Such alliances are mainly driven by individual economic gains and therefore tend to override other identities.

With reference to the dynamic nature of traditional peacemaking methods, an LPC member noted that their mandate also involved the protection of environments against damage, including logging and charcoal burning – although some community members still engage in such acts irrespective of their consequences. Additionally, the increasing commodification of land as well as changes in land tenure and land use patterns affect traditional peacemaking methods. Such methods must conform and adapt to these changes.

Dispute Settlement at the Local Level: Traditional Peacemaking as Part of Hybrid Governance Arrangements

The institutional arrangement of Kenya's devolved peace and security framework (Figure 2) is quite abstract, ambiguous, and bureaucratic. Apart from the complexity of governance, there is fear in some quarters that the state may use LPCs to control local environments and villagers. Moreover, the attempt to "graft" contemporary LPCs to an existing body of traditional rules (councils of elders), though showing some optimism, does not always work – it risks intensifying social stratification and competition between "old" and "new" institutions within a specific geographical area (e.g. between village elders and LPCs).

For instance, patriarchy and the symbolism of age that defines leadership in both Maasai and Kikuyu communities often work in opposition to contemporary structures, where youths and women become part of decision-making on matters affecting communities. There is no doubt, therefore, that the new structures conflict with several cultural norms and values, including the laws of patriarchal inheritance and the socially constructed gender roles in most African contexts. The dilemma, therefore, is whether specific traditions can flourish at the expense of others.

Generally, there are no clear guidelines on the expected collaborative framework between village elders and LPCs (or between different institutions in the local levels), and between these informal institutions and the formal ones at the Location (chiefs,

police), the county, and the state levels. In some instances, this dilemma has contributed to questions of legitimacy. Often, villagers face difficulties in deciding the institution or mechanisms through which one can pursue justice.

Some informants also accused the devolved peace and security structures as creating more space for bribes, although corruption is vested in both formal and informal mechanisms. During fieldwork, it was commonplace for some people to bribe police to influence the decision to refer a matter to the local structures, to "silence" a matter in dispute, or to influence the decision of the LPCs involved. Corruption is not limited to state officials. Usually, disputants tend to "reward" LPCs with some money or food during or after arbitration proceedings. Locals call this, "cooking for wazee" (elders). It is reminiscent of the foods or beer drinks that disputants served elders following successful arbitration proceedings in the nineteenth and twentieth centuries.

Based on observation, the practice can undoubtedly influence committee decisions and interfere with the outcome of a settlement. However, informants noted that such transaction costs are lower compared to the time and money spent when disputants file complaints with the chief, police, or courts. Both formal and informal mechanisms are also vulnerable to political manipulation. For example, LPCs can be used politically to initiate door-to-door campaigns to recruit voters, or to support certain political agendas. Due to the power differences, there is possibility for the state to co-opt committee members, as Ensminger (1990) explains in a different context.

Despite the complexities discussed, the studied groups still regard LPCs highly, particularly in the settlement of interpersonal and intergroup land disputes. Regarding dispute resolution, therefore, community members prefer to resolve matters in dispute at the community level (informal level). Participants here are mainly neighbours with their affiliates (friends and kin). Nowadays, LPCs will guide the process. At this level, settlement of disputes is relatively fast (instant justice) and with lower transaction costs in the form of time and money as opposed to utilising a formal procedure (the local administration and courts).

Moreover, conflict resolution largely adheres to local norms and values, where LPCs primarily build on traditional conflict-handling methods that mostly involve negotiation, forgiveness, compensation, and compromises. Notably, such methods are deliberately meant to be sensitive to the land question although they may clash with formal law. For instance, while LPCs may consider handwritten documents or word of mouth as proof of ownership of land, courts usually consider title deeds. Community members are increasingly learning to exploit such weaknesses. Indeed, where informal mechanisms for handling disputes and crime clash with formal procedures, the legitimacy of LPCs is

adversely affected.

In most cases, formal law supersedes informal rules. Nevertheless, the need to restore and sustain peaceful relations between neighbours enhances the legitimacy of local mechanisms. Despite the presence and value of LPCs, disputants are free to record their complaints with formal institutions, respective chiefs, the police, or courts, particularly if they question the credibility of LPCs, when local arbitration fails, or when a matter in dispute is difficult (lacks evidence or involves contested evidence). LPCs usually engage security agencies in situations that threaten to deteriorate into violent conflicts.

When disputants skip their LPCs and record complaints with chiefs or police, the latter can either handle the matter alone, involve the LPC of the concerned village, or the police may refer the matter to the LPCs, usually when it involves traditions (witchcraft, patriarchal norms, marital laws, etc.). The local administration may also refer a matter in dispute to higher offices, but some disputants drop their charges for fear of transaction costs when a case escalates to the formal institutions.

Based on observation, LPCs have no procedural rules for bringing conflicting parties to an agreement, or to resolve a matter in dispute. Instead, they use some innovative ways they deem appropriate, depending on the situation, need, context, and the parties involved (as shown in the case above). They also create bylaws from experiences of day-to-day situations, and as directed by government officials. Nowadays, LPCs in Enoosupukia implement the jua jirani yako (Swahili, 'know-your-neighbour') campaign, a facet of community policing (crime surveillance). For instance, they ensure that landowners probe for information and identification documents from land-seeking clients before leasing land. Such surveillance is meant to encourage cooperation between LPCs, villagers, and the local administration in enhancing peace and security.

Irrespective of the institution, there is no guarantee of binding settlements. Compromises based on the notions of good neighbourliness, though instrumental in arriving at "mutual" agreements, may not prevent a similar or related dispute in the future. Therefore, to enforce settlements, some LPCs in the Maasai society invoke the supernatural power of engai (God) through curses, where necessary. The curses involve calling upon supernatural powers to punish offenders with misfortune. These may manifest in the form of illness, death, miscarriage, or infertility of livestock or the offender and their kin. LPCs usually warn offenders that they may be cursed if they fail to adhere to a settlement/agreement. Such individuals may include suspected robbers, persons whom villagers accuse of immorality, or women, who, because of domestic disputes, threaten to run away to their matrimonial homes. Kikuyu tenants who live and farm in Maasai villages and Kikuyu women married to Maasai fall under the jurisdiction of LPCs of

those villages. They, too, respect the curse.

Apart from committee elders, male youths can also pronounce curses, but only in relation to offences committed by their peers or by those below their age category. Indigenous belief systems and the belief in supernatural power (gods, spirits, and ancestors) is an essential pillar of the social structure across Africa (see Evans-Pritchard, 1937). Anthropologists have shown that indigenous beliefs, and particularly the belief in the curse, enhance social control and help with the resolution of disputes at the local level (Gulliver, 1963). Notably, traditional beliefs persist despite the changes that modernization brought to African religions, although, as already noted, their application in dispute resolution is increasingly limited. Nevertheless, such persistence and the continued importance of indigenous norms, values, and beliefs can be seen as an indication of their "resilience".

Conclusion

This article has explored the legitimation of traditional norms, values, and practices of peacemaking through the recently formalised institution of Local Peace Committees (LPCs) in Kenya. LPCs constitute a peacemaking and peacebuilding framework bringing together traditional dispute resolution mechanisms involving traditional elders, women, religious leaders, and NGO initiatives on the one hand, and formal mechanisms for conflict resolution, including those by government administrative and security agencies, on the other.

Driven by ideas of decentralisation and delegation of responsibilities from the state to community level, these changes represent attempts to standardize an aspect of customary law, and give weight to traditional peacemaking. Unlike the much-criticised state- and/or elite driven measures for peace and security (usually top-bottom), traditional peacemaking, which, in this context, relies mainly on indigenous, traditional, or customary norms, values, and practices is seen as a participatory and culturally-sensitive method capable of promoting enduring peace between neighbours and groups living on shared landscapes.

The fact here is that intrastate resource-based conflicts and the political instrumentalisation of land, ethnic cleavages, and violence are increasingly complex and therefore require comprehensive approaches that go beyond interventionist ideas (e.g. Karari, 2016) and state-and/or elite driven measures. The emerging trend therefore concerns the inclusion/ mixture of formal state mechanisms with non-state (informal) actors and institutions in the prevention and resolution of local conflicts, leading to what some call, hybrid governance arrangements (see Colona and Jaffe, 2016).

However, despite their importance, traditional peacemaking institutions in Africa still receive less scholarly attendance, despite the spirited search for African-centred solutions in peace and security. As noted, LPCs are not a new phenomenon in the Kenyan context –they are reminiscent of indigenous judicial institutions (councils of elders), which exercised authority over native groups in the last century, before colonial and post-colonial ideas of English Law immensely undermined their functions, and consequently replaced them. Despite attempts to decolonise and strengthen traditional peacemaking, effects of English Law on them as well as their inclusion into complex hybrid governance arrangements, which produce different modes of authority, operations, and legitimacy, continue to problematize their authority.

This article has shown that LPCs have gained some popularity for rendering themselves useful in local affairs in Enoosupukia, a former hotspot of interethnic clashes in Kenya. More importantly, conflict resolution largely adheres to local norms and practices, where LPCs primarily build on traditional conflict-handling methods that mostly involve negotiation, forgiveness, compensation, and compromises, as described in the cases. Notably, such methods are intended to be sensitive to the land question and, to prevent and resolve small-scale disputes that could transform into large-scale conflicts or violence if left unattended.

Based on observation, however, LPCs lack the capacity to enforce settlements and may therefore not guarantee binding agreements. Moreover, they lack the capacity to handle complex conflicts, most of which involve the politicisation of land and ethnicity. There is much uncertainty about the future of traditional peacemaking in Kenya, given the dynamic nature of traditions and cultures, the difficulty in maintaining indigenous knowledge, norms, and values (e.g. McCarter et al., 2014), the rapid erosion of cultural values (e.g. Wahab, Odunsi, and Ajiboye, 2012), migration, as well as the influences brought about by modernization and globalisation.

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