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Eric Mutisya Kioko

Abstract: In the wake of widespread interethnic "clashes" and al-Shabaab terrorist attacks in Kenya over the last few years, the state has embarked on the devolution of capacities for ensuring security and peace to the local level. The state gave the rights to handle specific local conflicts and crime prevention to local peace committees in an attempt to standardise an aspect of customary law, and to Nyumba Kumi committees in a strategy of anchoring community policing at the household level. These changes were conditioned and framed by ideas of decentralisation and the delegation of responsibilities from the state to the community level. In this paper, the following questions are raised: Are hybrid governance arrangements effective and appropriate? To what extent do peace committees and Nyumba Kumi provide institutional support for peaceful conflict management and crime prevention in Kenya? What guarantees and what constrains their success? The author draws on ethnographic data from the Maasai–Kikuyu borderlands near Lake Naivasha, a former hotspot of interethnic clashes.

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> *"Security is a shared mandate of all people living in Kenya. The first rule of security is vigilance […] we must all embrace Nyumba Kumi."* (Uhuru Kenyatta, president of Kenya, 20 October 2013)

> *"Let us not give criminals space to operate […] this will be achieved through the recently established Nyumba Kumi Initiative."* (Uhuru Kenyatta, president of Kenya, 20 October 2014)

> *"This is a dispute between neighbours and can be handled at 'home' with the assistance of the local peace committee. There was no need for John [a Kikuyu farmer] to drive a hundred cattle [belonging to a Maasai herder] to the police station. He should have raised his complaint with his local peace committee first. We request you [police] to refer this matter back 'home' so that we can try to resolve it there."* (Richard, local peace committee chair, Enoosupukia, March 2014)

These statements capture Kenya's recent adoption of a collaborative/participatory approach to the peaceful resolution of conflicts and the prevention of crime. This move came in the wake of widespread intercommunity violence,[1] rising crime rates,[2] and the al-Shabaab terrorist attacks in Kenya, including the Westgate Shopping Mall attack (see Anderson and McKnight 2014). In the last decade, the state has created neo-traditional institutions at the community level that were (superficially) shaped after social institutions deemed to be traditional. Local peace committees (LPC) took shape mainly after the atrocities committed during the 2007–2008 post-election violence. The state created Nyumba Kumi (NK), a community policing (CP)[3] initiative, about four years later. While LPCs are meant to solve local conflicts through arbitration, Nyumba Kumi committees (NKC) are thought of as measures for local surveillance. The two are therefore distinct manifestations of government attempts to harness local, informal practices of conflict/dispute management and crime prevention/surveillance as part of hybrid systems with the formal security sector. However, as shown in this paper, the mandates of the LPCs and NKCs at the local level are becoming increasingly conflated. LPCs are

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1   The land question, ethnocentrism, and politics are the major causes of ethnic violence in Kenya (Oucho 2002).
2   The Kenya 2015 Crime and Safety Report notes that crime rates are at a critical level (see OSAC 2015).
3   Community policing is a policing philosophy that promotes organisational strategies that support the systemic use of partnerships between communities and government policing agencies, and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime (Republic of Kenya 2015).

> 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. (Republic of Kenya 2011: 46)

Nyumba Kumi is a Swahili phrase roughly translated as "10 households." It is a strategy of anchoring CP at the household level (Republic of Kenya 2015: 2). LPCs and NKCs are therefore intended to bring together synergies between state and non-state actors, institutions, and organisations in conflict management and crime prevention. This article is developed around the question of how and whether hybrid governance arrangements are effective and appropriate.[4]

Hybrid Governance Arrangements in Conflict Resolution and Crime Prevention

Colona and Jaffe (2016: 1) define hybrid governance arrangements as those in which non-state actors take on functions classically attributed to the state and, in the process, become entangled with formal state actors and agencies to the extent that it is difficult to make a clear distinction between state and non-state. The governance actors, they argue, become co-rulers, sharing control over territories and populations. Hybrid governance arrangements are gaining popularity in development debates, particularly in the governance of (common-pool) resources, and in peace-building/conflict resolution. In the governance of natural resources, hybrid systems resemble the concept and principle of co-management, which is, according to the International Union for Conservation of Nature,

> a partnership in which government agencies, local communities and resource users, non-governmental organisations and other stakeholders negotiate, as appropriate to each context, the authority and responsibility for the management of a specific area or set of resources. (International Union for Conservation of Nature 1996; see also Carlsson and Berkes 2005: 66)

Hybrid governance arrangements are also hailed as bringing a new approach to conflict management and peace-building (see Adam, Verbrugge, and Vanden Boer 2014; Castro and Nielsen 2001; Lederach 1997; Ramsbotham, Woodhouse, and Miall 2011). Adam, Verbrugge, and

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4   The author thanks Prof. Dr. Michael Bollig for his valuable comments on earlier drafts.

Vanden Boer propose that the combination of formal and informal institutions and strategies (mixed systems)

> aims to allow the different systems to draw strength from one another, strengthen the conflict resolution process, reduce violence, and eventually draw the informal working systems into the ambit of mainstream formal governance structures. (Adam, Verbrugge, and Vanden Boer 2014: 3)

Moreover, the development world perceives hybrid governance arrangements as a prerequisite for sustainable development and enduring peaceful interactions (World Bank 2011; DFID 2010: 21).

Despite the overwhelming weight on hybrid governance arrangements, pertinent concerns, including those relating to their effectiveness, still exist. Colona and Jaffe (2016: 5) note that the seemingly bounded governance actors ("NGOs" and "corporations") may not themselves be homogeneous either, assembling different interests and sources of authority at any given time. They add that, although the concept of hybridity seeks to overcome the state/non-state dualism, its focus on the interactions between different "state" and "non-state" authorities may inadvertently reinforce this same distinction and illusion of boundedness. Further, they emphasise that the shift from a normative emphasis on "good governance" to pragmatic "arrangements that work," and the associated assumption that "local" non-state actors are always legitimate, risk suspending ethical assessments. The implicated cooperative framework (synergy) between actors, institutions, and strategies may not always work. It may increase problems of legitimacy, power differences, bureaucracy, and possible clashes between formal law and informal rules. Richmond (2010) draws attention to these power relations, noting not only the failure to recognise local capacity, agency, and resistance, but also local elite co-option reminiscent of contemporary state-building practice. In reality, the proposed formal–informal institutional synergy may marginalise non-state actors in local environments.

In the Kenyan context, LPCs came in the wake of legitimate concerns. Land claims are increasingly politicised, and some "tribes" control and negotiate resources using guns (Mkutu 2008). Devolution is already shaping new layers of violent conflict, particularly where boundaries and natural resources (including oil) are politicised and contested (Greiner 2013: 225–234). Land grabbing and commoditisation, the rapid transformation of property rights, and changes in land-use patterns (Lesogorol 2008) compound Kenya's emotive land question. Regarding CP, previous experiments in Nairobi and its environs did not produce desirable results (see Ruteere and Pommerolle 2003). Police booths in Nairobi,

which were meant to restore public confidence in the police force and to bring security closer to the citizens, have been used as either unofficial urinals or money-collection points by touts.[5] Rampant corruption, illegal detentions, and the mistreatment of ordinary people by the police, as well as extrajudicial killings, have deepened mistrust between the police and the public (see Ruteere 1998). These complex problems compound local situations, begging the question of the role of LPCs and NKCs in such complicated matters.

The main idea in this paper is to describe LPCs and NKCs as part of hybrid systems alongside Kenya's formal security sector, and as part of the devolved peace and security framework. The main arguments are:

1. LPCs and NKCs provide some hope for resolving local-level disputes through the application of local norms and values. However, the root causes of violent conflicts including historical injustices, land grabbing, and the politicisation of land and ethnic categories (see Kanyinga 2009), may undermine the effectiveness of these institutions.
2. Kenya's endemic problem of corruption is increasingly finding its way into hybrid security and peace-building arrangements, and could arguably perpetuate crime and insecurity.
3. Formal laws often clash with informal rules in the definition of crimes and prescription of settlements.
4. Dispute resolution usually attracts transaction costs (money and time). These are higher when disputants use formal mechanisms (police, chiefs, and the courts) and relatively low when they record complaints with LPCs and NKCs.
5. These institutions are vulnerable to political manipulation and could be used for political mobilisation at the community level.

Before exploring the ethnography of LPCs and NKCs, the methods adopted for this study and the background of the study area are presented briefly.

Methods

The study relied on ethnographic data collected in 2014 and 2015 at the borderlands of Maiella Sub-location, Nakuru County, and Enoosupukia Location, Narok County, on the fringes of the Lake Naivasha Basin (Figure 1). Fieldwork took place in six villages: the three villages located in the

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5   *Standard Digital*, City Security Booths Turned into Toilet Banks, 24 February 2016.

Maiella Sub-location (Maiella Trading Centre, Kokoti, and Nkampani) house mainly members of Kikuyu descent, and the three villages in Enoosupukia (Mpeuti, Olosho lole Kaloi, and Ol tepesi le Parsimei) have a dominant Maa-speaking population. Based on the 2009 census, the six villages accommodate a combined population of roughly 5,000.

A mixed-methods approach was necessary for the methodological design of this study. The choice of informants mostly relied on disproportionate, stratified random sampling, considering the variables of age, gender, and ethnicity. Participant observation involved attending and recording dispute resolution proceedings in real time using voice recorders and by taking notes. Open-ended interviews were conducted with purposively sampled disputants to inform the study about ongoing disputes and to monitor the disputes that had been resolved using LPCs and NKCs. A few informants participated in extended cases. To understand the structure, organisation, and roles of the LPCs and NKCs, data collection relied on focus group discussions (FGDs). Three LPCs, each consisting of 11 members, were studied in Enoosupukia Location, while three NKCs, each consisting of seven members, were studied in Maiella Sub-location. Key informants (county government administrators, youth, and women leaders) enriched the data from the focus groups. Oral testimonies and archival research (at Rhodes House, Oxford)[6] provided data on Maasai–Kikuyu relationships to land.

Land and Social Dynamics: Maasai–Kikuyu Background

This section briefly describes the link between violent conflicts and specific social dynamics.

The British colonial administration moved the Maasai from Laikipia to the southern reserve where the study area is located in 1911 and 1912. They subsequently leased the land in Laikipia to European ranchers (Hughes 2006). The southern reserve was vaguely perceived as Maasai territory, but according to colonial reports, it was mainly occupied by some foraging Dorobo communities.[7] From around 1900 onwards, the administration also expropriated lands occupied by the Kikuyu in central Kenya and converted them into "White Highlands," forcing thousands of Kikuyu

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6   These archives were moved to Weston Library in 2014.
7   Rhodes House, Oxford/MSS.Afr.S.1409. Copy of Southern Masai Reserve
     District Political Record Book, December 1911. See Blackburn (1996) for details
     about the Dorobo.

to migrate elsewhere in search of land and somewhere to settle (Anderson 2005). Many were looking to settle in agricultural lands that either were in fact or were perceived to be underutilised, such as the Rift Valley (Hornsby 2012: 249).

Figure 1. The Study Villages
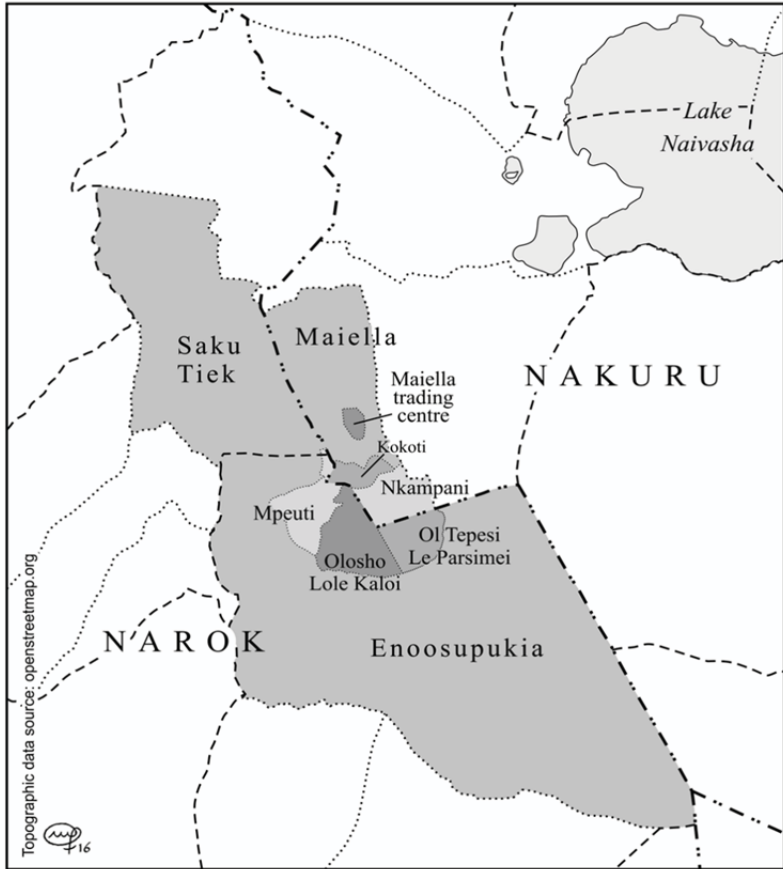
Source: Kioko 2016.

Between 1904 and 1934, more than 150,000 Kikuyu migrated west from central Kenya owing to a lack of grazing, others moved due to the loss of land to settlers, while yet others sought to acquire livestock and capital as squatters and labourers in European farms (Anderson 2005: 21–25). Thousands established settlements and began cultivation on the east of the Mau Escarpment, at the Lake Naivasha Basin, and around Enoosupukia,

where they interacted with the Dorobo and other Maasai sections, including the Purko, Loita, and Matapato, who occasionally accessed these lands for dry-season grazing.[8]

Upon their arrival, the Dorobo transferred settlement and ownership rights to land to both the Kikuyu and the northern Maasai, mostly through barter (land for food/livestock), in the form of gifts and payment for cultivation labour, and through marriage arrangements during much of the twentieth century (Blackburn 1996). Dorobo elders in Enoosupukia noted that such transfers were largely informal, and only in a few instances were hand-written agreements produced as evidence of a transfer. Nowadays, the legitimacy of many such agreements is contested.

On the Maiella side, between the early and mid-twentieth century, large commercial farms dominated. Specifically, the Maiella Estate, a large settler farm (16,338 acres), was run until 1964 by an Italian (known locally as Loska).[9] After independence, the Italian sold Maiella farm to the Ng'ati Farmers' Cooperative, a society made up of about 600 farmers mainly of Kikuyu descent, the majority of whom had laboured on the farm. They consolidated themselves and reached out to friends and family in central Kenya to raise money to buy the farm, thereby recreating a large *githaka*[10] (plural: *ithaka*). By creating *ithaka* elsewhere, the Kikuyu successfully colonised agricultural frontiers that were previously dedicated to cattle grazing in the Rift Valley. The bids of some Maasai to purchase the land were ultimately unsuccessful.

Violent Conflicts and Political Agency

The sale of Maiella Estate to mainly Kikuyu members of the cooperative evoked highly emotional reactions from the Maasai, who from the mid-1960s had begun to claim indigenous rights to the land. Periodic bouts of violent conflict pitted Kikuyu Ng'ati farmers against the Maasai (specifically the Keekonyokie of Nkampani village), starting around 1968.[11] These outbreaks of violence took the form of alternating retaliatory

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8   Rhodes House, Oxford/Micr. Afri./515/Maasai District Annual Report/1914-1915/District Commissioner. Interview with Kikuyu elders in Maiella, June 2014.
9   The colonial regime contracted Italians for infrastructural development (for instance, road construction). Rhodes House, Oxford/Handing Over Report/Mr. A.D. Galton-Fenzi to Mr. R.A. Jeary/Narok District/March 1957.
10   A system of land control characterised by immigration and the subsequent pattern of settlement with reference to genealogies of Kikuyu *mbari* (patriarchal kinship groups).
11   Interview with John Ole Linti, a former councillor, December 2013.

attacks. The Maasai destroyed and burned houses and crop farms planted by the Kikuyu, or fed Kikuyu crops to their livestock. In return, the Kikuyu killed Maasai livestock and engaged Maasai in physical fights with machetes. The situation continued with varying intensity into the 1990s (Hornsby 2012: 548). Between 1990 and 1992, Majimbo[12] politics ushered in a politicisation of land and ethnic categories in the Rift Valley. This culminated in a period of massive violence in the study area in October 1993, in which more than 20 Kikuyu farmers were killed and about 10,000 were forcibly evicted from Enoosupukia at the instigation of local politicians (see Akiwumi 2001).

The violence was perpetrated by an unofficial Maasai militia of hundreds of *morans*,[13] game wardens, and administration police assisted by a small core of local government officials,[14] along with some residents, most of whom were eager to take back small parcels of land they had sold to Kikuyu farmers (Klopp 2001: 164; Hornsby 2012: 548). Internally displaced Kikuyu from Enoosupukia pitched camp in a Catholic church in Maiella Trading Centre. In late 1994, government trucks transported most of them from Maiella and "dumped" them in Central Province (their perceived ancestral land) under the cover of night (Hornsby 2012: 549; Klopp 2001: 175). Hundreds rented houses in Maiella Trading Centre.

Reinstating Peaceful Relations

The situation is rather different today. Between 1995 and the early years of the twenty-first century, a great deal of time was spent preaching peace, reconciliation, and coexistence. The church (for example, the Catholic Mission in Maiella and Nakuru), non-governmental organisations (NGOs), the local administration (chiefs), and councils of elders from both sides spearheaded peace forums, which centred on intergroup dialogue. They brought together the youth, women, religious leaders, and elders from both groups. Trust between the Maasai and the Kikuyu began to take root in the early twenty-first century and has been characterised since by the collaborative use of natural resources and a diversity of crosscutting ties (see Kioko and Bollig 2015).

Local elders and the courts began to resolve old and new land disputes. The most famous dispute involved the Ng'ati Farmers' Coopera-

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12   Majimboism is a specific form of decentralisation/regionalism based on ethnic identity.

13   *Moran* is a Maasai traditional warrior age-set.

14   *Daily Nation*, Ntimama Vows to Evict "Aliens," 13 September 1993, 3; *Daily Nation*, Outrage over More Killings," 18 October 1993, 1–2.

tive against the Maasai who remained on Maiella Estate despite the transfer of ownership rights from the Italian commercial farmer to the co-operative. The case began in 1996 and lasted for almost 10 years, until the High Court ruled in favour of the Maasai, on the grounds of marginalisation and historical injustices. The court allowed the Maasai to be apportioned 4,027 acres out of the farm's total 16,338 acres. The ruling ended a long-standing rivalry between the two groups.

Nevertheless, disputes and conflicts form part of the social order in the study area. The disputes recorded during fieldwork included herder–farmer cases, land ownership/sale disputes, land subdivision disputes, marital disputes, fights, slander, and trade-related disputes (for instance, livestock trade). Herder–farmer conflicts are common. There has been a massive reduction of grazing land due to agricultural intensification in the study area. Consequently, livestock movement is progressively restricted and confined to narrow paths bordering the adjacent fenced crop farms of Maasai and non-Maasai farmers. In particular, herder–farmer conflicts and tenure disputes contributed to the 1993 violence. The local administration (chiefs and police), LPCs, and NKCs successfully attended to most emerging disputes during the period of fieldwork (see case study), but some situations exceeded their mandate, including those that had been compounded by structural causes of conflict/violence.

In the following, the state vision for LPCs and NKCs, and the personal attributes of committee members are discussed.

State Vision Plan for LPCs

During the 1990s and the early part of the twenty-first century, local peace-building initiatives fostered in part by NGOs and faith-based organisations, and partially based on traditional clan structures, engaged successfully in conflict resolution. Notably, in Wajir in northern Kenya, a group of local women engaged local elders from 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, which in 2001 created a National Steering Committee on Peace-building and Conflict Management (NSC) to coordinate conciliatory activities in the country. The NSC brought together state and non-state actors, including key ministries, civil society organisations (for example, the National Council of Churches in Kenya; the Peace and De-

velopment Network), international organisations (Saferworld, Mercy Corps, etc.), and development partners (for example, USAID).[15]

Figure 2. Kenya's Devolved Peace and Security Institutions

Interior Ministry

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National Steering Committee (National Security Council, National Security
Advisory Committee, development partners, NGOs, faith-based organisations)

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County Security Committee

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Sub-County Security Committee

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Ward Peace and Security Committee

↕

Location Peace and Secuity Committee

↕

Sub-Location Peace and Security Committee

↕

Local Peace Committee (village level)

Source: Field data 2014.

In light of the decentralisation and delegation of conflict-mitigation responsibilities, the NSC created LPCs at the community/village level in an effort to integrate informal (traditional) conflict-resolution mechanisms with formal ones (for example, the courts). The chairs of the 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. The structure becomes increasingly bureaucratic at higher levels, as shown in Figure 2. Superficially, the 47 counties in Kenya have relatively similar individual structures. Arguably, therefore, the NSC and the central government's Ministry of Internal Security (the 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.

15　See the website of the NSC, <www.nscpeace.go.ke/about-us/membership.html>.

The following section describes the governance structure of LPCs in Enoosupukia Location, and thereafter that of NKCs in Maiella Sub-location.

Adapting LPCs to the Local Environment of Enoosupukia

Chiefs, in liaison with other government officials, usually call for a *baraza*[16] whenever there is a need to address community members and inform them about important matters affecting them. Some months after the 2007–2008 post-election violence, the residents of Enoosupukia were called to a *baraza* to select members of the LPCs. During the *baraza*, county officials briefed villagers on the requirements of age, gender, and ethnicity for membership of the LPCs and facilitated the selection of members. The crowd then split into village groupings and each group selected a team of 11 LPC members. The LPCs henceforth exercised jurisdiction over their respective villages.

The selection process was quite informal; villagers called out the names of possible candidates, and either supported or rejected the names by raising their 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 did not handle any funds. Concerns over unclear village boundaries and jurisdictions did little to stop the selection process. A similar process was used to select LPCs in Maiella Sub-location.

The number of people (11) constituting each committee is significant. This odd number allows committee members to uphold or reject decisions (for instance, on a settlement or on the removal of a member from office) with almost no risk of a deadlocked vote. However, according to my observations, 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.

LPCs in Enoosupukia have a very broad and somewhat vague portfolio. Committee members noted that their roles included:

1. preventing, managing, and resolving land and ethnic disputes;
2. resolving inter-clan cattle rustling;

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16   Formal meetings attended by villagers, local administration, and representatives of the central government.

3. spearheading CP (surveillance);
4. ensuring children (boys and girls) receive education, and reporting to the local administration for possible prosecution of any parents who discriminate based on gender in schooling;
5. developing ways to end possible cases of early marriage and school dropouts;
6. monitoring and reporting (to state agencies) the early warning signs of intra-/intergroup rivalry, as well as reporting politicians who preach ethnic essentialism through inflammatory statements; and
7. monitoring development projects and reporting pertinent infrastructural and related needs to the local administration and higher offices.

Table 1 shows the personal attributes of 33 LPC members drawn from the three villages in Enoosupukia. Each of these villages (Mpeuti, Olosho lole Kaloi, and Ol tepesi le Parsimei) has 11 LPC members.

Table 1. Composition of Local Peace Committees 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	3.1
	Diploma	1	3.0
Main sources of income*	Livestock	23	69.7
	Leasing farmland	15	45.5
	Farming on own land	29	88.8
	Business	4	12.1

* Under "Main sources of income," the majority of committee members engaged in almost all mentioned livelihood activities.

In stark contrast to indigenous judicial institutions, which were composed solely of male elders, the members of the LPCs include women and young people, as shown in Table 1 (at least one third). The state aims to mainstream gender issues in conflict resolution by empowering women in the

area of peace-building and the long-term mitigation of conflict (Republic of Kenya 2011). Interestingly, elders (above 60) are rarely involved. Instead, males in their 30s and 40s are largely preferred as committee members. However, a few elders above 60 years old are necessary because they possess the historical knowledge of land matters. They also pronounce curses by invoking supernatural powers to resolve difficult matters (discussed below).

There is considerable ethnic diversity in the LPCs. However, and perhaps as might be expected, members of the dominant ethnic groups in a particular village predominate in the respective committees. Literacy is not a requirement for membership of a committee. Consequently, almost half of committee members are illiterate (42 per cent). Only a few have attended some introductory classes in formal education. Although important, conflict resolution through the 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.

The majority of the 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 guarantee settlements. Committee members subsist on several income-generating activities. Almost all of them own land individually or through their families. The majority (about 90 per cent) 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 per cent) own livestock in varying quantities, with the exception of women who, according to the patriarchal norms in Maasai society, rarely have ownership or disposal rights to land and livestock, unless they acquired them mainly through purchase or as gifts. Committee members lamented that they used the returns from these activities to support their peace-building and surveillance roles. They called on the government to pay them salaries, to supply them with *boda boda* (motorbikes) for transport, and to cover relevant communication costs (mobile telephone airtime).

State Vision Plan for Nyumba Kumi (Community Policing)

Notably, the al-Shabaab attacks in Kenya in 2013 and 2014, and rising crime rates breathed a sense of urgency into the need for a new policing framework. Indeed, the president of Kenya himself lobbied for the

Nyumba Kumi idea as one that could redefine CP in Kenya. NK takes the smallest social unit (the household) as the starting point for surveillance. According to the Draft Guidelines for Implementation of Community Policing – Nyumba Kumi (Republic of Kenya 2015: 2), NK clusters do not necessarily involve 10 households (as the name might suggest); clusters may be in a residential court, in an estate, a block of houses, a *manyatta* (kraal), a street, a market centre, a gated community, or a village, and cut across divisions of creed, politics, ethnicity, gender, or any other sectarian affiliation.

Kenya's NK largely borrows from Tanzania's socialism policy (villagisation, or Ujamaa) that was popular in the early 1970s (see Boesen, Madsen, and Moody 1977). In Tanzania's settings, NK chairs (popularly known as "*balozi wa kitongoji*") monitored the day-to-day activities and interactions of respective cluster members, recorded visitors, and served as custodians of local security. However, the concept declined in Tanzania, at least from the 1980s. Consequently, some members of the public have questioned whether the state might have been wise to borrow a more or less abandoned system from Tanzania in order to salvage an important security situation in Kenya.[17]
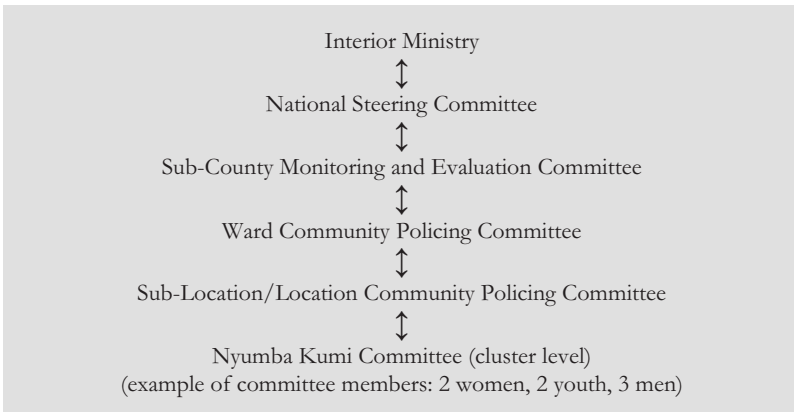
Table 2. Nyumba Kumi Roles

– resolve boundary disputes	– promote cluster security education
– devise methods to promote Jua Jirani Yako ("Know Your Neighbour")	– develop ways of improving safety of passengers
– resolve watering point disputes	– identify and monitor social development activities
– resolve access to watering points and grazing disputes	– monitor and evaluate local economic activities
– develop ways of improving the environment (e.g. street/building lighting)	– carry out local crime mapping
– resolve interethnic cattle rustling	– assess and evaluate poverty, health needs, and employment levels of cluster members
– resolve known ethnic differences	– recommend day-to-day security actions
– develop a system of identification of aliens	– manage jigger and other vector-based infestations
– develop a system of identifying hotel patrons	– monitor safety of forests
– develop a system of identifying tenants	– promote better education standards

17   *Brainstorm*, Interrogating the Nyumba Kumi Initiative, 26 November 2013.

The state proposed that the following members should constitute each NK unit/cluster: three members of the public (considering ethnic balancing, age, gender); a representative from each religion in a cluster; a businessperson; a county government representative; a youth; a woman; the area assistant chief, and a representative from each government policing agency with a presence in a cluster/locality (Republic of Kenya 2015: 8). In practice, however, none of the NK has a government policing agent as a member, as shown below. Arguably, little has been done to resolve existing mistrust between the police and the public to warrant a collaborative framework. Moreover, clusters are taken as homogeneous and coherent entities.

Just like the LPCs, the NKCs are at the bottom of Kenya's devolved CP structure. At the helm (the national level) is the Interior Ministry and the NSC. Figure 3 illustrates Kenya's devolved CP structure. The chairs of the NKCs and chiefs form the sub-location CP committee, which links the local level to the formal security apparatus in the ward, sub-county, county, and the state. The interlinkages (indicated by arrows) show the proposed sharing of security information, the level of authority, and the intended cooperation in attending to security matters.

Figure 3. Kenya's Devolved Community Policing Structure

Interior Ministry
↕
National Steering Committee
↕
Sub-County Monitoring and Evaluation Committee
↕
Ward Community Policing Committee
↕
Sub-Location/Location Community Policing Committee
↕
Nyumba Kumi Committee (cluster level)
(example of committee members: 2 women, 2 youth, 3 men)

Source: Modified from Republic of Kenya 2015.

The Draft Guidelines for Implementation of Community Policing (Republic of Kenya 2015) proposed numerous roles for the NKCs. As shown in Table 2, the list is more about "what to do" and less about "how to do" it.

There is a massive duplication of roles between the NKCs and the LPCs. Consequently, their mandates are conflated at the local level. This

merging of mandates risks creating possible clashes over jurisdiction, and has resulted in the absorption/replacement of one system by the other, as exemplified below.

Adapting the NKCs to the Local Context of Maiella

In a bid to adapt NKCs to specific local situations, the villagers and the local administration of Maiella Sub-location selected seven community members from each village to form NKCs, taking each village as an independent cluster. In the end, they selected 14 NKCs, equivalent to the villages that were already governed by LPCs. The selection of the members of the NKCs resembled that of the LPCs and was conducted sometime in 2013. As noted earlier, none of the NKCs has a government policing agent as a member. However, individual committees make an effort to cooperate with the police where necessary, as exemplified in the last part of the paper.

Table 3. Composition of Nyumba Kumi Committees in
        Maiella Sub-Location, Nakuru County

Variables		N	%
Gender	Male	16	76.2
	Female	5	23.8
Age	20–40	11	52.4
	41–50	7	33.3
	51–60	3	14.3
	≥61	0	0
Ethnicity	Maasai	7	33.3
	Kikuyu	13	62.0
	Kamba	1	4.7
Education	None	8	38
	Primary dropout	5	23.8
	Primary complete	5	23.8
	Secondary complete	3	14.4
	Diploma	0	0
Main sources of income	Livestock	5	23.8
	Farming on rented land	8	38.0
	Business	6	28.6
	Casual work	2	9.52

Table 3 shows the personal attributes of the members of three NKCs in Maiella Sub-location. The three villages (clusters) include Maiella Trading Centre, Kokoti, and Nkampani. Notably, the governance structure of the

NKCs is quite similar to that of the LPCs in Enoosupukia except for the fact that each NKC has seven members. As shown in Table 3, NKCs have considerable ethnic, gender, and age diversity. Just like the LPCs, the villagers preferred people under the age of 40 years to represent them as members of the respective committees, and did not include elders above the age of 60. Moreover, the majority of the committee members have completed primary school. The cultivation of land leased from Maa-speaking landowners in Enoosupukia and business are the primary sources of income for the majority of NKC members from Maiella Sub-location.

Comparatively, there is a marked difference in the ethnic composition of the LPCs and NKCs in Enoosupukia Location versus in Maiella Sub-location; this reflects the varying ethnic composition of the overall population in the two locations (Tables 1 and 3, respectively).

Conflated Roles and the Constraints of the Hybrid Governance Arrangement

In principle, cluster members should report possible crimes and security concerns to their respective LPCs or NKCs, which are then tasked with either dealing with the alleged offenders or, alternatively, passing the information on to government security agencies (chiefs, police) at the locational level. However, what constitutes a "crime" is unclear to many. It is difficult to tell whether an "alien" is a genuine visitor, or someone who is in the area to commit a crime. Furthermore, corrupt state officials might arguably "assist" certain criminals. The informants in this study noted that rogue police officers use security information reported by NKCs (and by LPCs) to enrich themselves. In one incident, rogue police personnel dropped a case against an alleged al-Shabaab sympathiser for "lack of evidence," while in fact, they had dropped the charges after obtaining a bribe from the person in question. Informants shared similar narratives involving the sale of illicit alcohol, among other crimes. Such corruption may not be the fault of the hybrid governance arrangements per se; it is also nested in both the formal and informal sectors. But such incidents have increasingly reduced the willingness of NKCs to engage in surveillance activities. Consequently, NKCs focus on dispute resolution through arbitration, a role supposed to be played by the LPCs.

In Maiella Trading Centre, the NKC regulates the sale and consumption of alcohol according to the Alcoholic Drinks Control Act of 2010 (clubs do not open earlier than 5 p.m.). However, some bar owners have found ways to manipulate the system in order to do business throughout

the day. Some lock their customers inside the bars in the day, while others sell beer from their homes. The NKC also monitors the livestock trade by collaborating with traders (butchers, brokers, and so on) to prevent trading in stolen livestock. Nowadays, livestock traders must adhere to operational rules, which prohibit the purchase of livestock from strangers, but some break these rules anyway.

Notably, the institutional arrangement of Kenya's devolved peace and security frameworks (Figures 2 and 3) is quite abstract, ambiguous, and bureaucratic. There is obvious complexity of governance. While the primary objective of the system is to increase state presence and effectiveness locally, such control of local environments could eventually mean co-option and/or marginalisation of actors at the community level.

The paradox of the duplication of the roles of the NKCs and LPCs has resulted in the absorption of one system by the other in the study area. In Enoosupukia, Narok County, there is little effort to implement NK as an independent institution. Instead, the LPCs in this Maasai-dominated area are increasingly taking on NK roles. In a group meeting with the LPC members of Mpeuti, the chair insisted that his team was spearheading crime surveillance and arbitrating in local disputes. According to my observations, LPCs in Enoosupukia have implemented the Jua Jirani Yako ("Know Your Neighbour") campaign, which is one facet of surveillance. Committee members ensure that landowners probe for information and identification documents from land-seeking clients before leasing land. Landowners insist on knowing some background information about their potential clients (for instance, place of birth, the names of members of their extended family, friends and/or family in the study area, marital status, and knowledge of Maa, Gikuyu, or Swahili). They then report any suspicious cases to their LPCs, chief, or police.

While in Enoosupukia the LPCs have taken up NK roles, the situation is different in Maiella Sub-location. Here, NKCs are increasingly replacing LPCs, whose effect has progressively diminished, at least since 2014. Indeed, since 2014, cases that relate to NKCs dominate the records stored at the chief's office in Maiella, while prior to the implementation of the NK records pertaining to LPCs had dominated. In a recent *baraza* at Maiella Trading Centre, the NKCs called on government officials to scrap LPCs because of the possible clash of mandate. The county officials interviewed attributed the strength of the NK in the area to their county commissioner's (county security chief) efforts to incorporate these systems into the county's peace and security sector.

As noted earlier, Kenya's endemic corruption problem is finding its way into the hybrid security and peace-building arrangement, where some

police officers profit from security information (intelligence reports) shared by NKCs and LPCs. Corruption is not limited to state officials, however. Usually, disputants tend to "reward" LPCs and NKCs with some money or food during or after arbitration proceedings. Locals call this, "cooking for *wazee* ['elders']." This practice is reminiscent of the food and/or beer that villagers customarily served the council of elders in the nineteenth century during arbitration proceedings. I have observed, however, that the practice can influence committee decisions and interfere with the outcome of a settlement. Villagers noted that such transaction costs are low compared to the time and money spent when disputants record their complaints with the chief, police, or courts. Both formal and informal mechanisms are also vulnerable to political manipulation. Committee members feared that politicians might use them to further political agendas or to recruit voters.

The legitimacy question is equally important. Often disputants choose between the LPCs and NKCs to record a complaint. The LPCs consider themselves superior to the NKCs, and vice versa. The LPCs believe their neo-traditional sanctioning methods to be akin to those applied by councils of elders, whose expediency is still reflected at the local level. The NKCs weigh their legitimacy against the broader goal of national security, with which they are associated, and thus boast state support. Such power struggles invariably shape interactions between actors but rarely play out in the open.

Conflicts between formal law and informal rules in the definition of crime and the administration of justice already threaten the hybrid arrangement. For instance, while LPCs may consider hand-written documents or word of mouth as proof of ownership of land, courts usually consider only title deeds. Increasingly, community members are learning to exploit such weaknesses. Moreover, crimes such as wife battering are accorded little weight, especially in the Maasai culture, where patriarchy has a great impact on gender relations. Despite the recently enacted Protection Against Domestic Violence Act, 2015, some LPCs still dismissed women who reported domestic violence. Last, neighbourhood surveillance, according to some informants, contravenes their constitutional right to privacy. In the cases observed, some villagers expressed their dissatisfaction when asked to account for their visitors and to share information about individual household members with LPCs or NKCs.

Dispute Resolution at the Local Level

Community members prefer to resolve disputes at the community level (informal level). Participants here are mainly neighbours and their affiliates (friends and kin). Nowadays, an LPC or NKC will guide the process. At this level, the settlement of disputes is often fast (instant justice) and involves lower transaction costs. It is also often positive-sum rather than zero-sum. Moreover, conflict resolution largely adheres to local norms and values. The need to restore and sustain peaceful relations between neighbours enhances the legitimacy of local mechanisms.

However, disputants are free to record their complaints with formal institutions, like the area chief, the police, or the courts, particularly if they question the credibility of the LPCs or NKCs, when local arbitration fails, or when a dispute is particularly difficult (lacks evidence or involves contested evidence). LPCs and NKCs often engage security agencies in situations that threaten to deteriorate into violent conflict. When disputants bypass their LPCs or NKCs and choose to record their complaints with the chiefs or the police directly, the latter can handle the matter alone, choose to involve the necessary LPC or NKC, or refer the matter back to the respective LPC or NKC. The case is usually referred back to the LPC or NKC when it involves traditions. Furthermore, the chiefs or the police can also refer the case to higher offices if necessary, but disputants may decide to drop their charges for fear of mounting transaction costs when a case escalates to formal institutions. Moreover, formal mechanisms often have little concern for the social implications of a decision or settlement.

I have found no evidence that the NKCs and LPCs have procedural rules for bringing conflicting parties to an agreement, for resolving a matter of dispute, or for carrying out surveillance. Instead, some committees innovate ways they deem appropriate depending on the situation, need, context, and the parties involved. They also create by-laws, drawing on experiences from day-to-day situations, and as directed by government officials (see case study).

Irrespective of the institution, there is no guarantee that a binding settlement will be established. Compromises based on ideas of good neighbourliness may not prevent a similar or related dispute. The LPCs in Maasai society invoke the supernatural power of *engai* (God) through curses to enforce settlements where necessary. The curses involve persuading supernatural powers to punish offenders with misfortunes. These may manifest in the form of illness, death, miscarriage, or infertility of livestock or persons. LPCs usually warn offenders that they may be cursed if they fail to adhere to a settlement agreement. Such individuals

may include suspected robbers and individuals that the villagers accuse of immorality. Kikuyu tenants who live in Maasai villages, and Kikuyu women who have married Maasai spouses fall under the jurisdiction of the LPCs of those villages. They, too, respect the curse. Apart from the committee elders, the only other people who can pronounce curses are male youths, but they can only do this in relation to offences committed by their peers or by those in an age category younger than their own. Arguably, the Maasai society is increasingly integrating LPCs into its belief systems and age organisation.

The final part of this paper presents an example of how a herder–farmer dispute was handled at the local level.

Case Study: Cattle in "Prison"

John, a Kikuyu farmer, rented five acres of land from a Maasai in Olosho lole Kaloi village in 2007. He successfully negotiated with his landlord to settle on the farm. Since then, John has practised subsistence and commercial agriculture.

One Sunday in March 2014, a herd of almost 100 cattle strayed onto John's farm and destroyed four acres of his maize plantation. The cattle belonged to Peter, a Maasai resident of Olosho lole Kaloi village. John was returning home from church when he saw the animals on his farm. He ran fast to drive them away, but on noticing the damage they had caused, he decided to drive the cattle to the Maiella police station at Maiella Trading Centre. The boys who were herding Peter's cattle failed to persuade John to reconsider this decision.

The large herd attracted the attention of a good number of villagers (both Maasai and Kikuyu), the majority of whom were also returning home from church. By looking at the pattern of ear notching, some Maasai youths identified the cattle as belonging to Peter. John did not answer their curious questions. By the time he had arrived at the police station, a group of Kikuyu friends had joined him, while another group of curious Maasai followed at a distance. There was a near "clash" at the gate of the police station as the Maasai tried to persuade John to consult Peter before recording his complaint with the police. A police officer quickly unlocked the gate and allowed John to move "his" herd to an open space inside the compound. "Nothing is left of my crops!" he complained.

"Are there no *wazee* [referring to the LPC] in your village who can handle this matter?" asked Senior (the senior police officer). John, who perhaps did not expect the question, remained silent. A short while later, a

few LPC members from the village where John farms arrived at the police station, having heard about the incident from Peter, who had reached out to them as soon as his herding boys told him what had happened.

The LPC officials headed straight to the police desk, cutting through the curious crowd. "Peter informed us about this matter," the LPC chair told the police official. "We could not mobilise all the LPC members because some are still in church. We decided to come here to assist."

"Did you assess the loss reported by him?" asked Senior, pointing at John. After a brief silence (perhaps an indication that the LPC had not done so), Senior continued, "Go back, assess the damage and then come back with a report."

The LPC chair notified Peter about developments and asked him to meet them at John's farm. By 6 p.m. that evening, the LPC had reported their observations at the police station. At the same time, John's followers were busy advising him on how to go about claiming compensation, some quoting large sums of money.

"This is a dispute between neighbours and can be handled at 'home' with the help of the LPC," said the chair of the LPC. "There was no need for John to drive a hundred cattle to the police. He should have raised his complaint with his LPC first. We request you [police] to refer this matter back 'home' so that we can try to resolve it."

John, together with a few of his followers who were keenly following the discussion, left unannounced when the police granted this request. Senior asked an LPC representative to ascertain the number of cattle – there were 80 – and said, "The cattle will spend the night here with us. In the meantime, go back home and deal with this case." The LPC and supporters from the Maasai community left the police station around 8 p.m. for their homes in Olosho lole Kaloi village. The LPC members decided to pass by Peter's home to update him on the situation. A new development, however, confronted them upon their arrival.

John was already at Peter's home with a contingent of LPC members from the neighbouring villages of Mpeuti, Nkampani, Ol tepesi le Parsimei, and Range. Apparently, John's purpose in leaving the police station unannounced was to solicit as many followers as possible to amass the influence necessary to add weight to his complaint. The introduction of new supporters, LPCs, or NKCs of interest also happens when a matter of dispute traverses several villages, as in this case.

Twenty-eight LPC members of Maasai descent along with John's Kikuyu followers had gathered at Peter's home, perhaps anticipating the arrival of Peter's LPC supporters. John had already lamented to them that the police had not shown sufficient interest with regard to such a

crucial matter – one that could trigger intergroup "clashes." After a brief deliberation, the LPC members made a unanimous decision to discuss the matter first thing the following day, after which they scattered in small groups to their respective villages for the night.

The case resumed early the following morning at Peter's home. The disputants and their associates (about 10 friends and relatives from each side), along with the 11 LPC members of Olosho lole Kaloi village, eight LPC members from Range village, four LPC members from Mpeuti village, 10 LPC members from Ol tepesi le Parsimei village, and six Nyumba Kumi members from Nkampani village attended the meeting. It was very clear to all that a settlement was necessary and urgent in order to end the tension that was building on both sides of the divide.

A short break in the hearing before determining the matter of dispute in the study area allowed the disputants to consult widely with their followers – notably, about compensation and/or the social effects of the dispute. The LPC members already expected John to propose financial compensation. Rarely does an LPC enforce a settlement. Instead, the committee provides an opportunity for dialogue between the disputants and allows them enough time to consult their followers. Such dialogue may lead to one of two scenarios, as follows.

First, a plaintiff may propose some form of compensation (usually money) beyond the defendant's expectations. In this case, a defendant will propose a counter-offer, and a series of negotiations follow. The LPC members intervene only to impose order where necessary or to remind disputants about the value of good neighbourliness, often emphasising the need for a mutual agreement.

However, the failure to reach a settlement derails the process, perhaps even prompting a further postponement, leading to the second scenario. At this point, the LPCs may invite experts – for instance, in this case, the area agricultural officer – to assess and value the crops damaged.

Usually, the agricultural officer will accompany disputants, together with the concerned LPC or NKC members, to make a manual count of the damaged crops. Where manual counts are not feasible, they estimate the loss in terms of crop acreage using the prevailing market rate, which is then discussed as a settlement. Should early warning signals of violence or actual "clashes" appear, the committee would immediately seek the intervention of security agencies. Such signs may include verbal exchanges, fights, or threats. Additional parties to a dispute often introduce further transaction costs (money, time, etc.). However, if a plaintiff proposes an amount that is satisfactory to the defendant, the matter is soon concluded.

In the case described here, to the surprise of the defendant and his followers, John demanded only KES 16,000 (EUR 160) as compensation, which was lower than they had anticipated. Despite the damage caused to the crops, John could still salvage some maize cobs for food. However, his brief speech shed light on the compromise. He said, "We should be more careful with our livestock and caution the boys herding them. We are neighbours in this village […] today it was my farm, tomorrow it will be that of another person."

Indeed, John was deliberately appealing to the LPC members whose authority he had overlooked the previous day. His speech confirmed that he had re-evaluated his position as a tenant and acknowledged that loyalty was demanded of him by his landlord and the villagers. The defendant's side welcomed John's gesture, and Peter was ready to pay the compensation, thus resolving the dispute.

Financial compensation, though popular among the Kikuyu community, has little weight among the Maasai. In most cases, the Maasai accept livestock (usually female) as compensation in dispute settlements. Livestock, they argue, symbolises the reunification of disputants by the blood of the animals, and villagers interpret their reproduction as signifying long-term friendship between disputants. Money, they argue, creates a weak bond, which may last only until it is spent. Generally, however, compensation involves both livestock and money. The Maasai have increasingly influenced the Kikuyu towards this form of settlement. In the current case, however, there was no exchange of livestock.

Later, committee members reported the settlement to the police for the release of the cattle. Peter paid John in the presence of the police and LPC members, thereby legitimising the settlement. The police then asked John to pay KES 8,000 (EUR 80) so that they could "close his case file." He complied, aware that this was a bribe. The LPC members were delighted because such a transaction cost served to caution other villagers against recording complaints with formal institutions. However, transaction costs may not deter some disputants from seeking an audience with formal institutions. Some use their own resources, others take advantage of social-political connections, while yet others may consolidate themselves and/or their resources and use collective action to their advantage.

Later that week, the LPC drew important lessons from John's case and developed several by-laws, which they later communicated to community members in a *baraza*. Below is a translation of the by-laws:

1. When livestock stray onto farms, tenants should not take the animals to the police station. Instead, they should look for an LPC

member to record their complaint. Taking livestock to the police can trigger conflicts between herders and farmers.

2. Herders are advised to take care of their livestock so that they do not stray onto crop farms.

3. Landowners leasing farmland to tenants should assess the tenants' identification documents and backgrounds to ensure that they do not deal with criminals.

In terms of hybridity, the case demonstrates the appreciation and inter-action of state and non-state actors (namely, the police and LPC members) in resolving a dispute, where the police concerned recognised the legitimacy of indigenous judicial institutions. Despite the presence of other committee members from neighbouring clusters, only one LPC (from the affected village) took charge of the arbitration process, while NKC members and other participants mainly followed the proceedings as observers and witnesses. Such a presence, however, is necessary for sanctioning settlements and agreements.

Conclusion

Though popular in development discourses, governance of natural re-sources, and conflict resolution/peace-building for being flexible and effective, this paper shows that hybrid governance arrangements are imbued with complexities and constraints that mainly reflect the opera-tional nature of hybrids. Borys and Jemison (1989: 236) argue that "unit-ing around a common purpose [what hybrid systems propose to achieve] is only part of the story; the hybrid must also find a way to achieve that purpose." They single out the reconciliation of heterogeneous actors and operations as a central problem for hybrids. In the Kenyan context, this problem starts at the local level, where the rampant politicisation of land and ethnic categories creates divisions between groups, informing the creation of ethnic cleavages in the control and protection of land and other resources.

The paper notes that local peace committees and Nyumba Kumi committees, as part of hybrid arrangements with the formal security sector, provide some hope in resolving local-level disputes through the applica-tion of local norms and values. Initially, the two neo-traditional institutions had two different mandates – LPCs were mainly meant to solve local dis-putes through arbitration, while NKCs were thought of as measures for local surveillance. As shown in the discussion, however, these two differ-ent mandates are increasingly conflated at the local level, creating a situa-

tion where NKCs and LPCs absorb and/or replace one another and their roles. There is no certainty about how both institutions can operate in a particular cluster/village, although the Draft Guidelines (Republic of Kenya 2015: 3) vaguely note that Nyumba Kumi is a replacement neither for village elders nor for peace committees. Notably, dispute resolution and local surveillance are almost synonymous in the local context. Indeed, some informants hoped that the state would officially combine LPCs and NKCs into one body that can henceforth exercise jurisdiction at the grassroots level.

Irrespective of the clash of mandates and consequent absorption of one system by the other (LPCs by NKCs or vice versa), arbitration by LPCs and NKCs considers the social implications of both a given settlement and the matters in dispute. The intention is often to ensure that disputants continue living as good neighbours, although one cannot guarantee such a continuation of friendship. Dispute resolution at the community level often takes relatively less time (instant justice) than pursuing the matter (in dispute) through the formal judicial system, where transaction costs (time and money) may be higher. At the community level, dispute settlement is often positive-sum rather than zero-sum. There are instances where small-scale disputes between two neighbours can transform in scale and become more complicated. The resolution process can therefore take days, weeks, months, or even years. For instance, one particular dispute relating to the sale of land in 1974 between a Kikuyu buyer and a Maasai seller is persisting now four decades on. Nevertheless, the virtues of good neighbourliness and compromise contribute to binding settlements in most observed cases, although the repeat of a dispute is often inevitable. Notwithstanding the lack of capacity to enforce settlements, some LPCs and NKCs invoke supernatural powers or *engai* through the use of curses to enforce agreements. Recourse to supernatural forces in dispute resolution is considered locally to be more effective than the formal instruments of the state apparatus.

The term "hybrid" indicates the different sources of authority (or different modes of operation) of state and non-state security providers/institutions working in parallel. How they interact is subject to local balances of power and empirical legitimacy, which provides the broad label of "hybrid" with only limited analytical value. This also means that making a decontextualised general assessment of the effectiveness of hybrid security arrangements is impossible.

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Konfliktlösung und Kriminalitätsprävention in Kenia: Lokale Friedenskomitees und Nyumba Kumi

Zusammenfassung: Nach zahlreichen interethnischen Zusammenstößen und terroristischen Angriffen von al-Shabaab in den letzten Jahren hat der kenianische Staat Sicherheitsfunktionen auf die kommunale Ebene verlagert. Rechte zur Beilegung lokaler Konflikte und zur Verhütung von Straftaten wurden lokalen Friedenskomitees übertragen – ein Versuch, gewohnheitsrechtliche Verfahren zu standardisieren –, sowie Nyumba-Kumi-Komitees, mit denen Kommunalpolitik auf der Ebene der Haushalte verankert werden soll. Den politischen Hintergrund dafür bilden generelle Pläne zur Dezentralisierung und zur Verlagerung staatlicher Funktionen auf die kommunale Ebene. Der Autor des Beitrags stellt folgende Fragen: Sind hybride Formen der Ausübung staatlicher Funktionen effizient und angemessen? Inwieweit fördern lokale Friedens- und Nyumba-Kumi-Komitees die friedliche Lösung von Konflikten und die Verbrechensbekämpfung in Kenia? Wie kann ein Erfolg ihrer Arbeit gesichert werden beziehungsweise was könnte den Erfolg gefährden? Grundlage der Analyse ist eine ethnographische Erhebung im Maasai-Kikuyu-Grenzgebiet in der Nähe des Naivasha-Sees, einem früheren Brennpunkt interethnischer Auseinandersetzungen.

Schlagwörter: Kenia, Konfliktlösung, Verbrechensbekämpfung, Dezentralisierung, Gemeinde, Kommunale Institution/Einrichtung