

Traditional Institutions in sub-Saharan Africa: Endangering or Promoting Stable Domestic Peace?¹

Katharina Holzinger/Florian G. Kern/Daniela Kromrey

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Kontakt:
Deutsche Stiftung Friedensforschung (DSF)
Am Ledenhof 3-5
D-49074 Osnabrück
Fon: +49 541 60035-42
Fax: +49 541 60079039
www.bundesstiftung-friedensforschung.de
info@bundesstiftung-friedensforschung.de

Prof. Dr. Katharina Holzinger
Chair of International Relations and Conflict Management
Department of Politics and Management
University of Konstanz
Box 90
D-78457 Konstanz
Fon: +49 7531 88 2811
Fax: +49 7531 88 2855
Katharina.Holzinger@uni-konstanz.de

Dr. Florian G. Kern
Postdoctoral Research Fellow
Department of Government
University of Essex
Wivenhoe Park
Colchester CO4 3SQ, United Kingdom
Room 5.302
Fon: +44 (0)1206 87-2745
fkern@essex.ac.uk

Dr. Daniela Kromrey
Programme Director for Internationalization
Zukunftskolleg
University of Konstanz
Box: 216
D-78457 Konstanz
Fon: +49 7531 88-5686
Fax: +49 7531 88-4829
daniela.kromrey@uni-konstanz.de

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Zusammenfassung

In vielen Staaten Afrikas üben *Traditionale Governance Institutionen* (TGI) wichtige politische Funktionen aus. Traditionale Autoritäten wie *chiefs* oder *elders* spielen eine Rolle bei der Konfliktlösung, in der Landverwaltung oder bei der Bereitstellung lokaler Sicherheit. Fallstudien zeigen, dass die Koexistenz staatlicher und traditionaler politischer Institutionen keineswegs immer reibungslos verläuft. Bisher gibt es allerdings keine Studien, die den Einfluss von TGI auf Konflikt über mehrere Länder und ethnische Gruppen hinweg systematisch untersuchen.

Die vorliegende Studie präsentiert einen solchen Vergleich. Die zentrale Forschungsfrage lautet: Welchen Einfluss üben die TGI auf innere Konflikte aus? Wir verwenden eine breite Konzeption von Konflikt, die Gewaltkonflikt einschließt, sich aber nicht darauf reduziert. Wir betrachten manifesten politischen Konflikt auf drei Ebenen: (I) zwischen staatlichen und traditionellen politischen Institutionen, (II) zwischen den TGI verschiedener ethnischer Gruppen und (III) zwischen den TGI einer Gruppe und ihren individuellen Mitgliedern. Wir untersuchen sechs Faktoren, von denen wir erwarten, dass sie beeinflussen, ob und wie TGI Konflikte verursachen: (1) die soziale und organisationale Bedeutung der TGI in den betrachteten Ländern und Gruppen, (2) das Demokratieniveau und (3) die rechtliche Integration von TGI in diesen Staaten, (4) die ethnische Zusammensetzung der Staaten, (5) die Ähnlichkeit der politischen Institutionen der TGI und des Staats und (6) die politische Relevanz der jeweiligen ethnischen Gruppe.

Auf der Basis verfügbarer Daten zu diesen sechs Dimensionen wurden vier Länder (Kenia, Namibia, Tansania und Uganda) und acht ethnische Gruppen (Kikuyu, Abawanga, Nama, Ovambo, Maasai, Sukuma, Baganda, Iteso) so ausgewählt, dass auf jeder Dimension ausreichend Varianz gegeben ist. In diesen Ländern und Gruppen wurden insgesamt 139 semi-strukturierte qualitative Interviews mit Vertretern staatlicher Behörden, traditionaler Institutionen, Experten und lokaler Bevölkerung durchgeführt.

Die Studie führte zu folgenden Ergebnissen: (1) TGI sind nicht in größerem Umfang in politische Konflikte involviert. Lediglich der König von Buganda befindet sich in einem Dauerkonflikt mit der Regierung von Uganda. Zwar waren die Kikuyu in Kenia an der post-elektoralen Gewalt 2007-08 beteiligt, aber ein Zusammenhang mit ihren TGI ist nicht feststellbar. Wir fanden zwar überraschend viele interne Konflikte, häufig um die Sukzession im Amt des *chiefs*; diese werden aber üblicherweise friedlich geregelt. (2) Hohe soziale und organisationale Bedeutung der TGI bildet die Voraussetzung für ihre Verwicklung in Konflikte. (3) In Demokratien finden sich weniger Konflikte zwischen Staat und TGI als in Autokratien. (4) Es zeigt sich kein klarer Zusammenhang zwischen der institutionellen Ähnlichkeit von TGI und Staat und dem Ausmaß von Konflikten. Allerdings beobachten wir, dass die TGI sich bemühen, „staatsähnlicher“ zu werden, und dass einige Staaten dies auch unterstützen. (5) Das Vorhandensein rechtlicher Integration der TGI mit dem Staat wirkt sich nicht notwendig auf die Konflikte zwischen Staat und TGI aus. Entscheidend ist vielmehr, dass die Rechtslage eindeutig ist. (6) Ethnische Polarisierung oder ethnische Dominanz in einem Land scheinen sich nicht auf Konflikte zwischen politisch relevanten Gruppen mit signifikanten TGI auszuwirken. (7) Interne Konflikte zwischen TGI und ihren Bürgern treten in eher autoritär und eher demokratisch organisierten Gruppen gleichermaßen auf.

Abstract

In many countries of Sub-Saharan Africa, institutions of traditional governance influence everyday politics. Traditional authorities engage in dispute resolution, land administration, or the provision of local security. As case evidence suggests, the parallel structure of state institutions and traditional governance is not without its tensions. However, scholars have rarely compared how conflicts play out in different countries, and for differently organized traditional institutions.

In this report we provide such a comparative analysis. How does the presence and practice of traditional governance affect conflict at various levels? We employ a broad concept of conflict that includes but is not restricted to violent conflict. It includes manifest contestation between actors at three levels, each involving Traditional Governance Institutions (TGI): (I) conflict between state authorities and traditional leaders; (II) conflict between ethnic groups led by traditional leaders; and (III) conflict between constituents of an ethnic group and their traditional leaders. We pay particular attention to six factors that we presume shape if and how TGI affect conflict: (1) the social and organizational significance of TGI in each country and ethnic group; (2) the level of democracy of the state polity; (3) the legal integration of TGI in each country; (4) the ethnic composition of each country; (5) the similarity of TGI and state institutions; and (6) the political relevance of a group.

Based on available data on the six dimensions we select four countries (Kenya, Namibia, Uganda, and Tanzania) and eight ethnicities (Kikuyu, Abawanga, Nama, Ovambo, Maasai, Sukuma, Baganda, Iteso) to maximize variance. We base our analysis on 139 semi-structured in-depth interviews conducted with individuals representing traditional governance institutions, state authorities, experts and local population.

The findings of our study can be summarized as follows: (1) TGI are not involved in large-scale political conflicts. Only the Buganda Kingdom is in a continuous conflictive relation with the Ugandan state. While the Kikuyu in Kenya were involved in post-electoral violence in 2007-2008, our interviews did not reveal a particular role of TGI in these events. We do, however, find a surprising number of internal conflicts – e.g. regarding the succession of chiefs in office – but these tensions are usually solved peacefully. (2) High social and organizational significance of TGI is a prerequisite for their involvement in conflict on all levels. (3) In democratic political systems we find fewer conflicts between the state and TGI than in states with autocratic government. (4) A relationship between institutional similarity of the state and TGI with the level of conflict is not evident. Yet, we observe that TGI move toward greater “stateness”, and these endeavors are partly supported by the state. (5) The existence of formal legal rules integrating TGI within the state apparatus is not necessarily related to more or less conflict between the state and TGI. Rather, we find that legal regulations must be unambiguous to reduce conflict potential. (6) Ethnic polarization and ethnic dominance within a country does not seem to cause severe conflicts between political relevant ethnic groups with significant TGI. (7) Internal conflicts between TGI and constituents are as likely to emerge in more autocratic traditional polities as in more participatory and democratically organized ethnic groups.

1 Introduction

In many countries of Sub-Saharan Africa, traditional governance institutions (TGI) influence everyday politics. Traditional authorities such as chiefs or elders engage in dispute resolution, land administration, or the provision of local security. The Afrobarometer Survey (2014/2015, Round 6) highlights today's significance of TGI on the continent. In the 29 surveyed countries, a share of 37.5 percent of respondents trusts their traditional leaders "a lot" and 24.2 percent confide at least "somewhat" in their traditional leaders; 41 percent "approve" and 21.9 percent "strongly approve" of their performance over the past twelve months.

As case evidence suggests, the co-existence of state institutions and traditional governance is not without its tensions. Conflicts may arise between authorities of the state and traditional leaders, between TGI of different groups or between the constituency and traditional leaders. At the same time, scholars point to the potential of traditional conflict resolution mechanisms in order to maintain peace and security where the state is ineffective. Scholars have however rarely compared how conflicts involving TGI play out comparatively within and across countries, and for differently organized TGI.

In this report we provide such comparison and ask: How does the presence and practice of traditional governance affect conflict at various levels? We explore three levels of conflict involving TGI: (I) conflict between state authorities and traditional leaders; (II) conflict between ethnic groups led by traditional leaders; and (III) conflict between constituents of an ethnic group and their traditional leaders. We pay particular attention to six factors that we presume shape if and how TGI affect conflict: (1) the social and organizational significance of TGI in each country and ethnic group; (2) the level of democracy of the state polity; (3) the legal integration of TGI in each country; (4) the ethnic composition of each country; (5) the similarity of TGI and state institutions; and (6) the political relevance of a group. We base our analysis on 139 in-depth qualitative interviews we conducted in 2012/2013 in four countries and eight ethnic groups. In Kenya, Namibia, Tanzania, and Uganda we interviewed 161 individuals representing TGI, state authorities, local experts, and the general population.

This paper proceeds as follows. First, we discuss the existing literature on TGI and conflict, and emphasize our contribution. Second, we introduce our basic concepts of "traditional governance institutions" and "conflict", describe the main explanatory factors, and formulate corresponding hypotheses. Third, we outline our research design and describe case selection and interview methodology. Fourth, we describe the gathered interview evidence for the four countries separately. Fifth, we compare the country results and evaluate our hypotheses. Finally, we summarize the results and discuss future perspectives.

2 Literature on Traditional Governance and Conflict

Social scientists have long studied TGI in Sub-Saharan Africa, with regard to many issues. Holzinger, Kern and Kromrey (2016a) provide a comprehensive review of this literature. Here, we concentrate on the works that specifically focus on conflict. Scholars have frequently explored mechanisms of indigenous dispute resolution (e.g. Buckley-Zistel 2008; Mac Ginty 2008). For example, in Zartman's (2000) collection, authors examine "traditional cures for modern conflicts" among ethnic groups in Ethiopia, Nigeria, Ghana, or Sudan. Their conclusions vary, however, as to the effectiveness of traditional dispute resolution. Since we do not examine individual conflict and security issues within traditional communities, this literature is not directly relevant.

Beyond conflict resolution, only a handful of studies look at the general role of TGI in affecting political conflict. Walls and Kibble (2010, 39) maintain that the integration of traditional and modern governance elements in Somaliland has provided the conditions for "sustained peace and stability". By contrast, Lund (2003) points to the possibility of violent clashes caused by competition among traditional authorities and confusion surrounding their integration into local administration in Northern Ghana. Both case studies offer extensive but singular insights.

Given that political social scientists have identified a "resurgence" of traditional governance since the 1990s (Englebert 2002; Ubink 2008; Holzinger et al. 2016b), and in light of the recurrent vulnerability of domestic peace in parts of Sub-Saharan Africa, it is surprising that the study of traditional governance has largely been omitted from main stream conflict research. The only exception is Wig's (2016) large-*N* analysis of African civil wars between 1950 and 2010. He argues "strong traditional political institutions facilitate credible non-violent bargaining between excluded ethnic groups and the state and this reduces the conflict propensity of these groups." He tests his argument based on pre-colonial data on TGI and finds groups excluded from political power but with strong traditional institutions are less likely to be involved in domestic conflict.

What about *contemporary* traditional organization and politically powerful groups, however? Kern (2016a) has shown in detail that the performance in public goods provision is important in shaping the interaction of the state and significant traditional authorities. Parallel provision of public services such as land administration or justice bears conflictive potentials as interests of governing authorities collide (Eck 2014).

Overall, today's role of TGI in conflicts remains unclear. A comparative perspective on how and why TGI may affect domestic levels of conflict is lacking from the literature. Yet, such comparison may be crucial in understanding under which circumstances traditional polities contain more conflictive potential, or how the conflicts between the state and TGI are processed in legal or constitutional frameworks. We provide a first comparative exploration of the link between contemporary TGI and domestic levels of conflict.

3 Theory

3.1 Defining Traditional Governance Institutions (TGI)

By “traditional” we refer to a mode of legitimization that is understood and validated through narratives or procedures deemed “traditional” by constituents. In our understanding, the term traditional is not equivalent to ancient or primordial here. We are agnostic as to how old the “tradition” is, and whether it was “invented” or not (Ranger 1983). We choose the term “governance” as an encompassing concept implying the political function and “ability to make and enforce rules, and to deliver services” (Fukuyama 2013, 350). Governance refers both to organizations and to procedural and substantial rules regulating the behavior of, and taking decisions for a collective. By referring to traditional *authorities* we denote only actors, e.g. chiefs, kings, queen mothers, or councils of elders. The term “traditional governance institutions” then captures the actions of traditional authorities in corresponding organizational and institutional setups.

3.2 Dependent Variable: Conflict Potential at Three Levels

We start from the assumption that the parallelism of state and traditional political institutions, i.e. the coexistence of institutions with similar functions in the same territory, carries the potential of conflict. Both types of institutions may employ different and potentially contradictory rules. Moreover, struggles for political power and influence may emerge if both institutions vie for representation of the same constituency, and if the parallelism is insufficiently coordinated. We employ a broad concept of domestic political conflict as a state of contradiction and tension that includes – but is not restricted to – manifestations of outright violence. Our analysis includes small-scale violent and non-violent contestation, as well as local, regional and national conflict; we concentrate on manifest *de facto* conflict, however, and omit pure *de jure* conflict.

Conflict involving TGI may emerge at and vary on three possible levels: (I) conflict between state authorities and traditional leaders; (II) conflict between ethnic groups led by traditional leaders; and (III) conflict between constituents of an ethnic group and their traditional leaders or within the traditional institutions.

3.3 Explanatory Factors and Hypotheses

We identify six main factors that may shape how TGI affect the three conflict levels. We formulate hypotheses on effects of these variables on one or more conflict levels as dependent variable. The hypotheses are theoretical conjectures structuring our analysis. Since we are undertaking a qualitative comparison across four countries and eight country-group dyads and our measurements will thus be qualitative-categorical, we formulate the hypotheses in a categorical “if – then” manner instead of a quantitative fashion of “degrees”. For quantitative analyses, the hypotheses might be re-phrased; for our qualitative approach we prefer talking about conditions, potentially leading to an effect. We do not imply deterministic relations, however.

We regard the *significance* of TGI in a given country and ethnic group to be a precondition for conflict in a setting of institutional parallelism. By “significance” we mean first, the importance, trust, and legitimacy ascribed to TGI by the constituency; and second, the organizational strength of the TGI at group level, i.e. the degree of institutionalization and

the leverage the traditional polity and authorities have towards constituents. If TGI are insignificant in a country, both socially and organizationally, we should not expect much conflict to appear through the coexistence of traditional and state institutions. Only for significant TGI we expect effects on conflict potential at all three levels.

In addition, we regard significance as an interaction variable that exerts its influence in combination with the other conditions. For instance, not integrating significant TGI into the political system of a country might generate conflict between the state and ethnic groups (level I) because of feelings of relative deprivation. Moreover, interactions between groups with significant TGI in combination with a certain ethnic composition of the country might contain greater potential for conflict among groups (level II). Finally, only TGI with considerable standing in their communities are likely to cause conflict with constituents (level III). Therefore, our first hypothesis serves as a basis for following propositions:

H1 Only if TGI are socially and organizationally significant, can conflict potential emerge between the state and TGI, between ethnic groups governed by TGI, and between TGI and constituents.

The following three hypotheses relate to the institutional fit of state and traditional political institutions. First, the political institutions of the state should affect the conflict potential of parallel TGI. We distinguish *democracies* and *autocracies* and assume that democracies are more susceptible to integrate various different social groups, among them traditionally organized ethnic groups. For example, democratic governments should be more prepared to legally acknowledge TGI, to be responsive to their demands, and to actively and explicitly regulate the coexistence of political institutions. This should help to ease conflict potential. In contrast, for autocracies we expect reverse effects. This leads us to our second hypothesis:²

H2 If significant TGI co-exist with an autocratic state government, the conflict potential between the state and TGI is high.

Second, in a dyad of state and TGI we expect the institutional organization of TGI to matter for conflict between the two. We conjecture that similar dyads are less prone to conflict than dissimilar ones. By *similarity* we refer to institutional conceptions of democraticness shared by both traditional and state institutions. Thus, we look at attributes such as the degree of centralization, mode of leadership, mode of leadership succession, degree of constituency participation, or the degree of checks and balances to evaluate the democraticness of TGI (ECA 2007; Kromrey 2016). For instance, it is possible that interactions between a democratic state administration and a hierarchically organized traditional community with hereditary leadership and no checks and balances bear more potential for conflict than relations between an autocratic state and similar TGI. Therefore, it follows:

² We phrase our hypotheses unidirectional, i.e., only for *high* conflict potential. The opposite value of the condition (here: democracy) implies *low* conflict potential.

H₃ If significant TGI are dissimilar to state political institutions, the conflict potential between the state and TGI is high.

There is a partial contradiction between the second and the third hypothesis. Whereas H₂ leads us to expect for all democracies low conflict with its TGI, H₃ tells us that democracies might very well be in conflict with autocratic TGI (and vice versa for autocracies and democratic TGI). Both hypotheses seem plausible; it remains to be determined which is a better empirical fit.

The last institutional hypothesis relates to the legal and political *integration* of the TGI within the state. We assume that the formal coordination of rules and of political action by legal regulation reduces potential conflict. The regulation may take different forms, for example the legal acknowledgement of TGI, delineation of competences for TGI, the granting of autonomy to TGI, or institutional integration by representation of TGI within state institutions. Regulation may also include explicit abolishment. We conceive of the latter as non-integration, just as the absence of related legal rules. By legal integration we mean the inclusion of rights in legal documents (constitutions, laws, administrative regulations). By political integration we mean implementation: how the formally intended integration corresponds to the actual practice on the ground. This leads to the next hypothesis:

H₄ If significant TGI are not legally integrated into the political and legal system of a country, or if integration is not implemented, the conflict potential between the state and TGI is high.

Our final two hypotheses refer to political power struggle between different TGI of varying ethnic groups in one country, or between TGI of one ethnic group and their respective constituency. We assume that conflict at level II arises as a consequence of the interaction of two factors: TGI *political relevance* and the *ethnic composition* of a country. By political relevance we refer to the role TGI play in the political “power game” within a country. Political relevance can be operationalized, first, as a function of the political status of an ethnic group, for example, as part of the government or not (as defined by Wimmer et al. 2009; Wucherfennig et al 2011); and second, as the share of the population that the traditional community comprises. Ethnic composition refers to fractionalization, polarization or dominance at country level (Alesina et al. 2003; Montalvo & Reynal-Querol 2005). High fractionalization (without polarization or dominance) renders conflict among ethnic groups unlikely, whereas in situations of polarization (two similarly-sized ethnic groups) or the dominance of one group, conflict among groups competing for government access seems more likely. Given their role within ethnic groups, significant TGI may strengthen ethnic identification of constituents, and thereby increase constituents’ willingness to mobilize in conflicts. Further, sustained political relevance of a group makes participation in power struggles within a state more likely. This is of particular importance in situations of ethnic polarization or dominance. Our fifth hypothesis therefore formulates a triple interaction:

H₅ If significant TGI govern politically relevant groups in a country characterized by ethnic polarization or dominance, the conflict potential between ethnic groups is high.

Finally, for political conflict at level III (between TGI and constituents) we see two potential sources. First, the constituency may be dissatisfied with its TGI leadership, e.g. because of its performance in public goods provision or because of perceived corruption. Second, power struggles may arise over succession in the office of traditional leaders. For both sources of level III conflict, we expect TGI exhibiting a high degree of democraticness to perform better in easing conflict potential. We assume higher responsiveness and more opportunities for participation in more democratic TGI lead to greater regime satisfaction.

Further, we assume that for hierarchical TGI with purely hereditary leadership succession the probability of succession conflict is high as succession rules may be disputed. For less centralized and less hierarchical TGI based on age-set selection rules or consensus systems at village level the incentives to engage in power struggles will be lower, as the leaders position is less lucrative and/or not for life. Overall, we expect more level III conflict for autocratically organized TGI, as the last hypothesis indicates:

H₆ If TGI resemble autocracies, the conflict potential between TGI and constituents is high.

Level III conflict may be co-determined by other factors discussed above. Legal and political integration may strengthen succession conflict if it goes along with acknowledgement of the traditional office, status, and financial means for the leader and the community. Similarly, the office of a traditional leader might be more desirable in democratic countries where the leader may be able to secure benefits for himself or his group by supporting party candidates (Baldwin 2013, 2014; Koter 2013).

In sum, we presume that the parallelism of TGI and state political institutions may lead to conflict only if a combination of several factors is present at the same time. We explore these hypotheses in our subsequent qualitative empirical analysis.

4 Research Design

4.1 Comparative Case Study Design: Operationalization and Case Selection

To uncover how TGI shape domestic conflict we employ a comparative case study design. Given the state of research, we follow an explorative design, creating as much variance as possible on our explanatory factors. The six hypotheses require information on variables on the state level, TGI- and group-level. Not all of the data are readily available. Therefore, we base our case selection on those independent variables for which data is available and we select the cases on, first, country-level data, and second, group-level data. Although our hypotheses use categorical distinctions we attempt to maximize variance for the variables for which continuous data is available. We face limitations, however, as we must optimize for six variables, while focusing on four countries due to research capacity. We thus search for combinations of *relatively* high or low values for each variable. Finally, this iterated process leaves us with four countries (Kenya, Namibia, Tanzania, and Uganda) and eight ethnic groups (Kikuyu, Abawanga, Nama, Ovambo, Maasai, Sukuma, Baganda, Iteso).

Table 1: Case Selection – Countries

<i>Independent variables, country level</i>			<i>Social Significance</i>			
			<i>high</i>			<i>low</i>
			<i>autocratic</i>	<i>democratic</i>	<i>democratic</i>	<i>autocratic</i>
<i>Constitutional Integration</i>	<i>yes</i>	<i>purely fractionalized</i>	Uganda			
		<i>dominance</i>		Namibia		
	<i>no</i>	<i>polarized</i>			Kenya	
		<i>purely fractionalized</i>				Tanzania

On the *country level*, our selection takes into account the social significance of TGI (from high to low), regime type of the state (categorical but based on POLITY scores), legal integration of TGI (yes-no), and ethnic composition of a country (fractionalization, dominance, polarization). Table 1 shows the four dimensions. First, data on the social significance of TGI in a country can be obtained from the Afrobarometer survey (cf. Logan 2009). We used the data from round 4 (2009), the most recent survey available in 2011 when we started the research. This restricts our universe to 19 Sub-Saharan countries. Populations of Namibia, Kenya, and Uganda highly value their traditional leaders, while the significance of Tanzanian traditional leaders is rather low.³ Second, the regime type in the four countries is coded based on the index of the Polity IV project (Marshall et al. 2010), although this does not fully capture the nature of these states. For 2009, polity IV ranked Kenya as the most democratic country of our sample, followed by Namibia. Tanzania and Uganda are assessed as having more autocratic features.⁴ Third, we selected countries

3 Percentage of respondents who trust their traditional leaders “a lot” and want to increase their influence “a lot”: Namibia (39.6; 33.3), Uganda (35.6; 32.7), Kenya (29.9; 37.2), Tanzania (18.9; 17.3); cf. Afrobarometer, round 4 (2008/2009).

4 The Polity IV scores are as follows: Kenya 7, Namibia 6, Tanzania -1 and Uganda -1.

with varying degrees of constitutional integration of TGI. Countries are coded as integrating TGI if the constitution in 2010 refers to TGI, and grants rights and powers (ranging from accepting their cultural leadership to their representation in national councils of traditional leaders). If the constitution features no references to TGI, countries were coded as not integrating. Fourth, we use Montalvo and Reynal-Querol (2005) and CIA World Fact Book data to determine if a country is purely fractionalized, or if we face a situation of dominance or polarization in addition. Namibia is a clear case of dominance of the Ovambo (49 percent of the population) and – in African context – low fractionalization (about 10 groups). Kenya is highly fractionalized with about 40 ethnic groups but politically polarized with the two largest groups, Kikuyu (22 percent) and Luo (13 percent), competing for government. Tanzania and Uganda are also highly fractionalized with about 130 (40) ethnic groups but with low polarization values and no dominance.⁵ In sum, we have variance on each factor, and we have one country in each column and each row of our cross-table of factors.

On the *group level*, we concentrate on two ethnic groups in each country. We create variation on the factors of political relevance, democraticness, and institutional similarity (cf. table 2 for data and coding). For political relevance we use the size of the groups as a percentage of population and the EPR power status. The Ethnic Power Relations (EPR) dataset provides data on the access to power for ethnic groups within one country (cf. Wimmer et al. 2009). Usually, size and power status correlate and thus we select the largest and a smaller group. Since Tanzania is coded as having no politically relevant groups, we selected the Sukuma as the largest group and the Maasai as a small group with a varying type of traditional polity. As for the democraticness of TGI, we build on a typology put forward by the Economic Commission for Africa (ECA 2007). We distinguish four types: age set consensus systems, village kinship consensus systems, and absolute as well as restrained chief systems.⁶ We consider the first two types to be closer to democratic polities than the latter two, as the power of the leader is clearly restricted and participation in decisions higher in the consensus systems. It remains to determine the similarity to the state political system. We choose the groups such that we have a similar and a dissimilar group for each country.

5 According to Montalvo & Reynal-Querol (2005) Kenya, Tanzania and Uganda all have high fractionalization values (0.89, 0.95, 0.93). Kenya has the highest polarization value, followed at distance by Tanzania and Uganda (0.381, 0.271, 0.279). Namibia is not included in their list, Alesina et al. (2003) give a fractionalization value of 0.63.

6 For groups not assigned by the ECA we based our classifications on secondary literature.

Table 2: Case Selection – Groups

<i>Country</i>	<i>Group</i>	<i>Relevance</i>		<i>Democraticness: Type of TGI</i>	<i>Similarity to state political system</i>
		<i>Size</i>	<i>Access to power</i>		
<i>Namibia</i>	Ovambo	0.49	always	absolute chief system	dissimilar
	Nama	0.05	never	village kinship consensus system	similar
<i>Kenya</i>	Kikuyu	0.22	always	village kinship consensus system	similar
	Wanga	0.02	never	restrained chief system	dissimilar
<i>Tanzania</i>	Sukuma	0.16	never	restrained chief system	similar
	Maasai	0.01	never	age set consensus system	dissimilar
<i>Uganda</i>	Baganda	0.16	changing*	restrained chief system	similar
	Teso	0.08	never	age set consensus system	dissimilar

* 1965-1969 and 1989-2005 the Baganda were included in power.

4.2 Methodology: In-depth Qualitative Interviews

We conducted a series of in-depth qualitative interviews in each case country. Fieldwork was supported by an extensive desk-study of constitutional-legal regulation.⁷ The interviews consisted of two parts: a *semi-standardized questionnaire* and an *open-interview part*. Local assistants speaking the respective languages accompanied the interviewers. The semi-standardized questionnaire included short questions to verify the information gathered during the desk study and questions to compare cases. The questionnaires' wording differed for the respective respondent groups: traditional leaders, state officials, experts, population. The open-interview part was more comprehensive. Interviews focused on the informal integration of TGI, their role and interaction with the state, and evaluations regarding the independent variables and the extent of conflict at the three levels. If participants allowed, interviews were recorded.

⁷ On some of the practical lessons learned during fieldwork see Kern and Vossiek (2015).

Table 3: Interview sample by country and respondent type

<i>Type</i>	<i>Kenya</i>	<i>Namibia</i>	<i>Tanzania</i>	<i>Uganda</i>	<i>Sum</i>
<i>State</i>	12	11	8	10	41
<i>Traditional</i>	18	11	9	10	48
<i>Experts</i>	6	7	8	6	27
<i>Population</i>	3	5	6	9	23
<i>Sum</i>	39	34	31	35	139

Our interview sample consists of 139 recorded interviews (with 161 individual subjects) in all four countries (cf. table 3). Most interviews were conducted with a single interviewee, while some were held in a group setting. Interviewees were initially identified by their known administrative roles for the state or traditional administrations, or their expertise in these issues. Via a snowball system, participants referred us to subsequent interviewees. As some interviewees represented both state and traditional institutions, we categorized them by their own preference of identification. Experts were selected if their work relates to issues of TGI, e.g. NGO employees or academics. We also included participants of the local population to assess their views.⁸ As the sampling procedure is neither representative nor random, generalizations have to be taken with care, even if the targeted interview groups provided in-depth information.

For the analysis, we used a semi-standardized questionnaire as the basis of our coding scheme. The open and narrative style of the interviews did not permit us to receive standardized answers to all of our questions in sequence. Therefore, we used the audio recordings to later code the interviews and to assign transcribed responses to each of the questionnaire items. This allows us to qualitatively structure and aggregate the individual codes to achieve descriptive inference. In the following, we present typical statements with reference to the respective interview IDs and refer to similar ones in parentheses.

8 To refer to interview evidence throughout the analysis below, we use the following interview identification (ID): each ID provides information on, first, the *country*; second, the *respondent group* (STA=state authority, TRA=traditional authority, EXP=experts, POP=population); and third, the *count of the respondent* per group and country. The Annex lists all interviews by ID, country, respondent group, ethnic group, number of participants and gender.

5 Country Level Analysis

In each section, we first offer a brief overall description of the situation of TGI in the four countries. Given space constraints, we can only provide a very condensed background discussion. Then, we detail the interview evidence for each country and ethnic group. We start by discussing additional in-depth information on the explanatory variables gathered in the interviews.⁹ This encompasses information on legal and political integration, the institutional set-up of the TGI and their similarity and ties to the state, and on social and organizational significance by group. Subsequently, we relate these variables to the three levels of conflict of our dependent variable.

5.1 Kenya

Background

Pre-colonial organization of traditional polities in Kenya was mostly decentralized and clan-based, with few exceptions such as the Abawanga, a small sub-group of the Luhya, who are organized as a kingdom. During British colonial administration, the Wangwa Kingdom's leader Nabongo Mumia was first utilized within the system of "indirect rule" as "paramount chief" ruling over several Abaluyia groups, only to be abolished by the colonizers in the 1920s. The pre-colonial organization of the nine Kikuyu clans was non-hierarchical, with age-sets and lineages on the sub-clan level. Ad-hoc clan councils and committees presided over social issues when required. Only with the arrival of the British the idea of hierarchical rule was introduced among the Kikuyu.

British colonial rule ended in 1963, but settling policies led to profound changes especially in the geographical distribution of ethnic groups and ownership of land, substantially disfavoring the Kikuyu, with repercussions still felt today. Following independence, Jomo Kenyatta, a Kikuyu, became the country's first president. He did not leave power until 1978, and established an administration that represented many of his ethnic group and supporters. Ever since, party politics in Kenya was ethnically based. From 2002 to 2013 another Kikuyu, Mwai Kibaki became president, followed by Uhuru Kenyatta in 2013. The elections in 2007 and in 2013 were characterized by the competition of the Kikuyu and the Luo for government. The Luo candidate, Raila Odinga, lost in both instances by a narrow margin, which led to considerable violence in early 2008.

Legal and political integration

In Kenya's 2010 constitution, integration of TGI is not explicitly addressed – but there is some leeway for local state authorities to engage traditional leaders as assisting agents. We were told in the interviews that the document also defines responsibilities for *elders* – the traditional role we encountered most in the studied communities. The constitution indeed stipulates devolvement of powers to local level authorities, but elders are not explicitly mentioned. "Chiefs" and "assistant chiefs" (local administrators in the Kenyan

9 Kern (2016b) provides further information on the methodological considerations when evaluating some of these variables through our interview.

administrative structure) are allowed to engage individuals they deem trustworthy as community leaders – which can but need not be traditional elders.

As experts and state authorities emphasized (KEN_EXP_01, KEN_EXP_02), the constitution rather vaguely addresses the promotion of approaches of alternative dispute resolution mechanisms (§67, §159), and refers to regulations regarding community land “traditionally occupied by hunter-gatherer communities” (§63). Administrators emphasized the positive role elders play in resolving minor conflicts on the village level (KEN_STA_03) – though highlighting that this relationship predates the constitution (KEN_STA_04). The room for interpretation left by the constitution has given state and traditional actors the opportunity to continue collaborative relations. While Kikuyu elders emphasized that they felt more recognized by the government (KEN_TRA_01) especially when it comes to solving land issues (KEN_TRA_14), Wanga elders felt the state was not doing enough to act on the constitutional regulations concerning land issues and decentralization plans, as they were not sufficiently involved by the government (KEN_TRA_12). Given a long history of favoring of the Kikuyus by the government this difference in attitude is not surprising.

In light of the constitutional vagueness regarding local devolution of powers, both the Abawanga and the Kikuyu council elders have reinterpreted their role and presented to us formalized documents of their organizational structure. In addition, most traditional elders expressed their wish to receive allowances for their work in the community (KEN_TRA_09).

Institutional setup of TGI and similarity to state institutions

The Abawanga Kingdom was re-organized with a portfolio for the different members of the Wanga Council of Elders. Yet, some interviewees and members of the council were unsure what their actual assignments involved. The current structure is hierarchical with the Nabongo Peter Mumia II as the leader. In the interviews the decision-making process has been described to us as one in which the elders advise the king and vote for certain actions concerning the kingdom (KEN_TRA_11), with the king then making a decision, mostly following the majority. In its autocratic structure it can still be considered dissimilar to the state democracy.

While the Kikuyu remain fairly decentralized in their organization, the Kikuyu National Council of Elders led by a council chairman has been established to voice political demands on behalf of the group (KEN_TRA_18). Some Kikuyu elders however seemed unsure about the authority of the council (KEN_TRA_16). While council elders do not claim to be authoritative leaders of the Kikuyu, the organization has been made more hierarchical in a recent reform. The National Council and the Chairman, however, were explained to us as purely administrative branches, while the usual decentralized structure remains in parallel, with no elder being formally more important than others (KEN_TRA_18). The establishment of the National Council serves to strengthen national cohesion of the Kikuyu TGI. The National Council mirrors the levels of state administration in a hierarchical manner, and thus might make direct cooperation with the state on all levels more likely and effective.

We thus observe a process of assimilation of traditional and state institutions even if not so much driven by common democraticness, but rather by Kikuyu ethnic ties.

Social and organizational significance

Many experts and state authorities pointed to the important role elders play in rural communities as power brokers, managers of local level conflicts, and land issues (KEN_EXP_01, KEN_EXP_03, KEN_STA_01, KEN_TRA_01), but people “do not necessarily make their choices based on what the elders have told them”, particularly the local youth (KEN_EXP_02). “Village elders” are appointed by the administrative chiefs as quasi-administrators of the state, and cannot enter these positions by virtue of their traditional legitimacy alone. They are rather part of the state than of the traditional community. For the administrative chief, “the elder is the eye of the state at the local level” (KEN_TRA_01).

There are pronounced differences between the social significance of Kikuyu and Abawanga TGI, however. Abawanga kingdom elders emphasize that the Nabongo’s role is not political and applies mostly to matters of cultural heritage (KEN_TRA_10, KEN_TRA_11): “The Nabongo is not the ruling one” (KEN_TRA_07). The elders of the Kikuyu play a more important role, as one elder described: “One, you can be a decision-maker. Two, you can be a counselor, counsel families, young men and ladies. Three, when there are quarrels within the community you can sit down with them as a judge. You can make a ruling with the other elders in land conflicts” (KEN_TRA_14).

Level I: state-traditional conflict

Conflict between TGI and the state government is low for both Kikuyu and Abawanga. Yet, the reasons for the non-hostile relationship differ. The Kikuyu elders expressed satisfaction with the new government (KEN_TRA_02) – although the latter at the time of research had only been in office for three months. Co-ethnicity might explain this satisfaction. Surprisingly, some government officials noted that Kikuyu elders do not exist anymore. As the existence of the Kikuyu National Council of Elders suggests otherwise, the latter statement is indicative how unimportant this institution is for high-level administrators. The Abawanga Kingdom, does not threaten or challenge the state’s authority in and around Mumias, despite its state-like structure. King Peter Mumia II might have his own personal quarrels with the state, for instance over the title and profits regarding a weekly market in Mumias (KEN_STA_07, KEN_STA_11). Yet, his rule does not challenge the state directly, as he and his elders see their role as a primarily cultural one. Notwithstanding, interviewees of both groups pointed to politicians seeking support of TGI in times of elections (KEN_EXP_03, KEN_STA_07), and to the role politicians have played in mobilizing violent perpetrators in 2007/2008 (KEN_EXP_02).

Level II: conflict between groups

The level of conflict between ethnic groups peaked during the 2007/2008 electoral violence, involving Kikuyu among others. There are reports about traditional leaders being involved in mobilizing the youth, and interviewees have also pointed to the negative potential of elders in Kenya especially with regard to that violent episode (KEN_EXP_02, KEN_STA_03). Participants stressed two further points: first, violence would just not have been possible if TGI would not have sanctioned these actions in the first place: and second, that some traditional leaders have been late in recognizing that violence would unfold, and ineffective in keeping the hostilities from happening. Other interviewees

doubted the potential of elders to influence the youth reliably. Similarly, the final report of the Government's commission of inquiry into the post-electoral violence presents contrary evidence on the role of elders during the violence: while some might have fueled the conflict others engaged in attempts of appeasement (Government of Kenya 2008, *passim*). Thus, we cannot conclude that traditional leaders played a major role for this violent conflict, although they were involved.

The Wanga Kingdom seems too insignificant in terms of political power to really mobilize and engage their constituents in conflicts with neighboring ethnicities. Participants repeatedly emphasized the role of elders in conflict management, rather than in mobilization (KEN_EXP_02). Interviewees would talk about initiatives to engage in conversations with elders of other ethnicities before the 2013 elections (KEN_STA_03). Participants from the state's side would repeatedly inform us that without the elders, conflicts would be much more difficult to settle on the local level.

Level III: conflict within groups

The level of conflict between members of a specific group and its traditional authorities varies for the two groups. There seems to be a general acceptance of the state possessing ultimate political authority. As the Wanga Kingdom is reconstituting itself, its perception in the general population seems rather one of cultural representation than of political authority. The cultural center just outside of Mumias is a place where community members gather and discuss. However, the role of the Nabongo does not extend to *de facto* political power, which makes his performance as a ruler not very important and his office less desirable and contended. Very low scale levels of conflict exist in two forms within the Wanga Kingdom: First, in the interviews, we were reminded that when Peter II accepted the request to become Nabongo in 2010, his brother challenged his enthronement. Allegedly, the episode ended by Peter II producing bones of his father (as required by ritual) that may not have been the actual remains, but were approved as such by the Wanga council of elders. Second, the king's family title over one of the weekly markets in Mumias town may have been one of the reasons for the brother challenging Peter's claim. Because the Nabongo receives the main share of market proceeds, this has been criticized within the Abawanga group (KEN_STA_07).

Because many of the Kikuyu live in urban areas in Nairobi, and others live in more rural territories, interviewees have stressed the differences in leverage of elders in urban and rural contexts (KEN_POP_03). While the Kikuyu elders in Nairobi might have some influence in their group when also acting as "village elders" – thereby quasi-legitimized by the state – traditionally, they may not be as influential (KEN_EXP_03). Conflicts between Kikuyu elders and constituents were not explicitly mentioned in our interviews. Conflicts about succession within the Kikuyu TGI seem to be rare, because anyone can become an elder who is over a certain age, of certain reputation, and willing to contribute the price of goats– i.e. there is no limit to the number of elders within one locality. If an elder misbehaves, the local council of elders is able to revoke his status. The non-hierarchical, consensus-based internal organization of the Kikuyu seems to contribute to the lack of level III conflict - in addition to the low social significance.

5.2 Namibia

Background

Namibia's diverse landscape of TGI has outlasted German colonialism and South African's Apartheid rule, when traditional leaders were used as local governing agents (NAM_TRA_06). Pre-colonially, the northern Kingdoms such as the Ovambo, with age-old structures, were in possession of land with their kings taking decisions on the allocation of agricultural land among community members. The southern headmenships and chieftaincies like the Nama, with their nomadic, segmentary life-style, did not own territory. During colonialism and the Apartheid rule these differences were fortified with the intrusion of European conceptions of property, the expansion of white settlers from the South and, finally, the erection of the veterinary cordon fence. Still today, the fence separates southern Namibian private farms, formerly allocated to white settlers, from communal land in Northern Namibia. Until today, the northern TGI are therefore more powerful than their southern counterparts.

Legal and political integration

The legal integration of TGI in Namibia is most extensive in our sample. The constitution acknowledges TGI as it recognizes customary law (Art. 66(1)), and establishes a national Council of Traditional Leaders (Art. 102(5)). One of the key pieces of secondary laws is the 2000 Traditional Authority Act (TAA; replacing the former Traditional Authority Act of 1995).¹⁰ It provides the formal establishment and recognition of TGI and outlines their responsibilities and functions (NAM_STA_04). Interviewees favored this act as it "brings together the different TAs of the country under the same rules" (NAM_TRA_08). Until now, 50 TGI have been formally recognized and are given financial allowances (NAM_STA_06). The constitution and state law prevails over customary rules, such that rule conflict, for example with respect to gender representation or traditional sanctions, should not appear in theory.

The practical implications of the formal integration, manifest in the interviews, are twofold: it strengthens state control, but also provides a source of legitimacy for TGI. The Ministry of Regional and Local Government, Housing and Rural Development oversees the TGIs' exertion of the assigned powers in the areas of culture, land and customary law (NAM_STA_06). The financial allowances given to the TGI fortify this state control (NAM_EXP_02, NAM_STA_05). However, most representatives of the TGI did not picture themselves as state agents (NAM_TRA_11). They refer to their local importance, especially with respect to culture and land. Moreover, they repeatedly referenced the formal integration to justify their actions (NAM_TRA_08).

¹⁰ Other examples are the Local Authorities Act 1992; the Regional Authorities Act 1992; the Council of Traditional Leaders Act 1997; the Community Courts Act, 2003.

Institutional set-up of TGI and similarity to state institutions

TGI in Namibia are converging, i.e. former differences in political structures between TGI are fading. Since independence, the Nama started to increasingly adopt chieftaincy structures. The chieftaincy structure is to a point determined by the formal integration. The TAA states that every recognized TGI has to consist of “a chief or head” and “senior traditional councilors and traditional councilors” (section 2), thus adopting a hierarchical model for all Namibian TGI (NAM_EXP_02). The councilors in a given TGI may be responsible for a certain portfolio, and they may also at the same time act as ward headmen. The regulations for the recognition fit better with pre-colonial kingdom structures than with a segmentary organization, “because the ruling party, the majority is Ovambos, so these kingdoms exist and definitely because of that they make provisions for these acts” (NAM_EXP_02). Moreover, the strongest TGI are chieftaincies (e.g. Kavango, Caprivi and Ovambo), and hence invite imitation. This trend towards hierarchical models of TGI is not exclusive to the Nama.

We observe thus a somewhat contradictory development. The state of Namibia is a democratic state, albeit with a dominant party (SWAPO) which is still largely in the hands of former freedom fighters and mainly of Ovambo origin (Welz and Kromrey 2015, Melber et al. 2016). Namibia attempts to legally integrate the TGI; however, it uses the Ovambo's hierarchical and autocratic structures as a model for TGI which leads to the mentioned convergence among TGI. Presumably, to counteract this development, the state currently implements policies making all TGI more compatible with state law and public administration, i.e. making them in fact part of the state. With the communal land registration policy (NAM_STA_03), and the implementation of community courts (NAM_STA_07) the state currently aligns typically traditional spheres of power, land and customary law, with state norms (on the current land policy and TGI see Behr et al. 2015). The effects of these processes are so far unclear, but the TGI are adapting to the state and are becoming increasingly similar to state structures.

Social and organizational significance, political relevance

All our interviewees agreed on a high social significance of TGI in Namibia today, and in the future: “Traditional authorities is a necessity. It must be there” (NAM_TRA_01). Their significance was ascribed mainly to the peripheral areas and the villages. TGI still possess a strong authority in these areas, especially regarding the custody of traditions, but also regarding administration of land and the jurisdiction of customary law. In fact, “it's only where you have an urban area where the TA acts and regulations don't apply” (NAM_STA_08). While the general social significance was stated by all interviewees, Nama were less assured about the role of their TGI, and saw their influence in many but not all areas (NAM_STA_01, NAM_EXP_02, NAM_POP_03). The Ovambo meanwhile claimed all-encompassing influence at the local level. There is a clear difference in the organizational significance between the two TGI interviewed. While the Ovambo rest in their accepted traditional structure and are proud of their dynasties of kings, the Nama still seem to be in search of the structure of their authorities: councilors are sometimes unclear about their portfolios, or traditional courts do not yet seem to exist (NAM_TRA_01, _02, _03, _04).

Moreover, Ovambo seem politically much more relevant. This difference has three causes: population size, land, and party politics. The Nama are a small group. The Ovambo tribe accounts for about half of all Namibian citizens and thus has much more leverage, e.g. in

elections. Another influencing factor rests with the amount of communal land owned by TGI. The pre-colonial segmentary lifestyle and the colonial expropriation of land in southern Namibia left the Nama with little communal land – quite in difference to the Ovambo. After independence only those TGI with traditional land could be recognized, thus transferring the possession of land into a basis of power (NAM_STA_01, NAM_STA_06). Moreover, the SWAPO government draws on stronger links with the Ovambo TGI, thus: “people in the north will not say something against a SWAPO government” (NAM_EXP_05). While this link was declined by Ovambo TGI (NAM_TRA_08, NAM_TRA_11), experts, local population and local state actors mentioned strong party affiliation and the benefits that came with it (NAM_STA_08, NAM_TRA_07, NAM_EXP_06). All three factors contribute to the political weight of the Ovambo and diminish the influence of the Nama.

Level I: state-traditional conflict

We do not find TGI stirring violent conflicts between ethnic groups and the Namibian state. The interviewees rather agree that TGI promote stability and peace in the peripheral areas (NAM_STA_06). Minor disputes between the state and TGI are settled within the formal legal framework. The highest level of conflict between TGI and the state in Namibia were court cases on succession and land issues (NAM_EXP_02; NAM_STA_02,_03; NAM_TRA_05,_11) and individual cases of refusals of chiefs to cooperate in land development issues (NAM_STA_01,_03; NAM_EXP_06,_07).

The contents and number of low-level conflicts differ between the TGI groups. There are fewer conflicts between Ovambo and the state, and they are mostly land-related (NAM_STA_11). “We have a problem on the land. We don’t know how to measure a land. Now they start to quarrel. Sometimes they talk, sometimes they send a letter to the ministry...oh and its long time” (NAM_TRA_09). Since Nama hardly possess customary land, these conflicts rarely arise (NAM_STA_01). Rather, the state is involved in succession conflicts and recognition of TGI amongst the Nama: “They claimed that SWAPO only recognized those [leaders] that were SWAPO-friendly” (NAM_EXP_03). None of these conflicts turn violent, but are rather disagreements between TGI and the state and are solved with legal and administrative means (NAM_TRA_09).

This peaceful cooperation is a consequence of the extensive legal integration. Legal integration comes with financial incentives (“They give us cars”: NAM_TRA_08) and the state seeks to co-opt TGI into state agents (NAM_EXP_02). “The whole idea with buying cars was to buy them [TGI] up. Because if you are not cooperating, you don’t get a car” (NAM_EXP_05). The difference in the amount of conflict with the state across the TGI can be explained by their varying political relevance. Ovambo are closer to the state. In fact, “SWAPO knows all the chiefs” (NAM_POP_01), which creates a mutual dependence between them. Nama are less relevant and thus have a weaker position within the state. The state hence more often intervenes in Nama affairs, which is most visible in succession conflicts.

Level II: conflict between groups

Relationships between TGI of different ethnic groups were described as cooperative (NAM_STA_11). Despite common power struggles at the National Council of Traditional Leaders and grazing-related land issues (NAM_TRA_05, NAM_TRA_11), no conflicts

between the groups became apparent or they “are promptly addressed and cared” (NAM_TRA_04). Nama TGI and experts predicted resource conflicts to erupt in the future. They claim scarce resources (e.g. land) are not equally distributed: “That is our territory. Dear Namibian state, dear Ovambos, please keep your fingers off our territory” (NAM_EXP_03). More generally, among other ethnicities, there is a general level of distrust towards the Ovambos, a feeling of being economically and politically dominated, and a feeling that Ovambos are favored by the government.

Conflicts between different TGI of one ethnic group are more common. Ovambo chiefs indicated that “nowadays everything is fine” (NAM_TRA_11), but still openly clash over land borders (NAM_STA_08, NAM_TRA_10). “Some TAs don’t agree where the other ones boundary is. They don’t quarrel of facts, they quarrel on other things underneath” (NAM_STA_03). These disputes are settled judicially, even at the High Court level (NAM_TRA_11).

Level III: conflict within groups

Among Nama TGI some unresolved succession conflicts disturb the otherwise cooperative relationship (NAM_TRA_02, NAM_EXP_02). We encountered three cases, talking to five communities. Who is to become the next *Kaptein* affects the individual Nama clans and families but also cross-cutting relationships among the clans: “It’s power. He is my brother, and I’m his brother. The conflict that was there was not necessary. Because it is one big family” (NAM_TRA_01). The conflicts may be settled internally, or on intervention of the Ministry. In one case it led to the splitting up of one Nama clan into two (NAM_TRA_03, NAM_EXP_02).

Otherwise, it is land allocation that typically leads to low-level conflict within the groups (NAM_EXP_06, NAM_STA_08, NAM_TRA_11). These conflicts are either solved at the state court or at traditional courts: “We reinforce each other. But people can also have the feeling, that if cases are taken to the normal courts of law, it may be too tough for them, that’s why some of them rather go to the traditional courts” (NAM_TRA_02).

All conflicts at the group level are thus settled formally and are non-violent. We found traditional courts to play an important role in the restoration of peace in the community (NAM_STA_04). In consequence of the Traditional Courts Act, state-regulated community courts now replace to some degree traditional courts for the Ovambo (NAM_STA_06), while they seem currently to be in the process of being founded for the Nama.

5.3 Tanzania

Background

Similar to Kenya the pre-colonial organization of ethnic groups in Tanzania was mostly non-hierarchical; they were organized in chiefdoms, not large kingdoms, or even in small bands. The approximately six million Sukuma constitute the largest ethnic group in Tanzania who predominantly live south of Lake Victoria in the northwest of the country. The Sukuma traditionally organized in about fifty loosely connected chiefdoms, with no overarching central organization of the ethnic group. The chief (Ntemi *sing.*, Batemi *pl.*) would be supported and checked in his administrative role by sub-chiefs and elder councilors, even if, locally, political organization would vary. By contrast, the roughly

400.000 Tanzanian Maasai mostly live in the north of the country. They are pastoralists, and several age groups structure their socio-political organization, with men undergoing various stages from warrior to elder with specific functions.

After German and British colonial interventions, Tanzania received its independence in 1961. The current president Magufuli follows Kikwete who was in power from 2005 to 2015 for the CCM (Chama Cha Mapinduzi) party. CCM replaced TANU (Tanganyika African National Union) in 1977 under Julius Nyerere. CCM still dominates in elections, despite the multi-party system officially introduced in 1998.

Legal and political integration

Following independence, the Nyerere government initiated its large-scale socialist administrative program *Ujamaa*. In the course of these reforms, to tackle tribalism in Tanzanian politics, chiefs' administrative functions were legally abolished in 1969 (Act No. 53), because chiefs "were so strong, if we would have left them, then that would have created some divisions" (TAN_EXP_06). The abolishment, as many interviewees expressed, was largely effective, and remains in place today (TAN_EXP_03, TAN_EXP_04, TAN_STA_02). As the most senior Sukuma chief explained, to mitigate resistance by traditional leaders, they were offered posts within the Tanzanian state administration, albeit in geographical distance from their traditional constituency (TAN_TRA_01). Legal recognition of traditional institutions seems infeasible and undesirable to most interview partners: "If we go back and give them political roles, we go backwards" (TAN_EXP_02).

Social and organizational significance

While in most parts of Tanzania traditional leaders can still be found, the large majority of interviewees emphasized to us their current insignificance. People acknowledge "chiefs as a name, a legacy, but not as political reality on the ground" (TAN_EXP_03). Contacting a Sukuma chief for assistance is almost "never" an option (TAN_POP_02). A Sukuma leader confirmed: "Now, respect has gone down." (TAN_TRA_01). Sukuma traditional leaders portrayed their institutions as somewhat respected but inactive, without power to implement policy (TAN_TRA_03). Respondents, even though they might be dissatisfied with the government, still do not see that traditional leaders could perform better than the government. In addition, the relative group size of the Sukuma does not give traditional leaders any greater influence and political relevance in Tanzanian national and even local politics.

Even though the social significance of traditional leaders in national Tanzanian politics is negligible, the Maasai constitute an exception to this rule, as traditional leaders are still highly important here (TAN_EXP_01, TAN_EXP_05, TAN_STA_08). Being a minority has played out to the advantage of the Maasai with respect to the maintenance of their traditional structures. The legal abolishment has not affected Maasai communities as much. The local *Laibon*, a spiritual leader of the Maasai, put it this way: Nyerere, who had abolished traditional chiefs, "now [...] is dead. If he could have abolished [traditional authorities], who would be leading the community now? Also, by that time, there was no radios, there was no way to hear from him. That is why [we] have the leadership" (TAN_TRA_05). The government also acknowledges this grey zone, and the state administrators highlighted their functional relations (TAN_STA_01, TAN_STA_03,

TAN_STA_08), but Maasai leaders also pointed out that they are somewhat selective in following state directives (TAN_TRA_05). Because of their low numbers, the Maasai have no political relevance.

Institutional set-up of TGI and similarity to state institutions

The distinct institutional dissimilarity and pastoralist lifestyle have enabled the Maasai to sustain their traditional organization in the past, as colonizers and administrators alike were unable to penetrate institutional bonds (TAN_EXP_01). They still practice their age-set system which implies regular change in power, the leader position rotating between the greater families. The *Laigwanan* (Maasai leaders) are supported by elders who have certain responsibilities. Today, this makes it possible for the state to identify cooperating traditional representatives among the Maasai with political leverage in their communities. Maasai leaders we interviewed also acted as local government intermediaries who assisted state administrators with their work (TAN_TRA_09).

For the Sukuma, decentralized organization, and the agriculturalist and settled lifestyle have made abolishment fairly effective in the past. Attempts to revive some of the cultural heritage with the Bujora Cultural Center north of Mwanza have been a mixed success (TAN_STA_06, TAN_POP_01): while a museum was established, interviewees mentioned their frustration with the organization of the Bujora Conference of Chiefs, emphasizing the council's ineffectiveness in coming up with common positions and a substantive agenda (TAN_POP_03). But the breakdown of traditional institutional networks makes it extremely difficult for contemporary Batemi to even initiate better organization, let alone becoming a challenge to state institutions.

Although the traditional Sukuma system was a chief system, the little that remains today is difficult to judge to in terms of democraticness and, thus, its similarity to the state system. Tanzania, albeit holding regular elections, is an autocracy. For the Maasai the democraticness is relatively high, which makes them dissimilar to the state.

Level I: state-traditional conflict

On the national level, there is virtually no conflict involving TGI. In addition to the outlined legal abolishment, the high degree of ethnic fractionalization and non-polarization in Tanzania makes it very difficult for TGI of one particular group to gain momentum in order to influence national politics. Only the pastoralist Maasai generate tensions when grazing their cattle on land owned by others (TAN_EXP_01, TAN_STA_01). However, the Maasai we interviewed did not point to direct conflict with the state (TAN_TRA_06, TAN_TRA_07). Interviewees repeatedly credited the formal abolishment of traditional leaders for Tanzania's general low level of conflict (TAN_EXP_01).

Level II: conflict between groups

Overall, conflict between ethnic groups involving traditional authorities is rare to inexistent. As an exception, the Maasai find themselves in disputes or violent clashes with farming communities over land and natural resources, particularly grazing grounds and water sources. The local *Laigwanan* might, on invitation from the state, negotiate solutions to conflicts with local villagers (TAN_TRA_09). But they are not in contact with other ethnic

groups' traditional leaders, and could not name any of those either (TAN_TRA_05-08). Similarly, Sukuma Batemi could not remember any recent conflicts they had with other ethnic groups (TAN_TRA_01, TAN_TRA_03). This may be related to their minor role in Sukuma communities, but is surely also due to the fact that many other ethnic groups in Tanzania lack strong traditional representatives.

Level III: conflict within group

The level of conflict between members of an ethnic group and their own traditional authorities varies for the different groups. This is a function of the (in-)significance of traditional leadership and the legitimacy of authority within the ethnic group. The Sukuma Batemi gave no indication of conflicts involving them and their constituency. If conflict arises within the Sukuma community, state authorities are more likely to intervene, and Batemi in fact try to not be in conflict with the state (TAN_TRA_01). The latter at times consults traditional leaders, in case they have particular knowledge on issues such as land allocation, marital rules or witchcraft. If there is any conflict between the Sukuma constituency and the Batemi, it is that the traditional leaders do not speak up or organize, and that they do not contribute to the collective good in the Sukuma community, despite the traditional legitimacy they potentially enjoy (TAN_POP_03).

Open conflicts between the Maasai leadership and their community, according to the interviewees, seem rare events as well. Either the disagreements of the constituency with decisions of traditional leaders are not communicated at all because of feared social sanctions; or, as has been explained by the Maasai leadership, the council of traditional leaders convenes and discusses every issue until a council position emerges, and the traditional legitimacy of such decision is accepted (TAN_TRA_05). In case Maasai community members still do not accept such decision, the traditional leaders might involve the state to mediate (TAN_TRA_09). Yet, we also were told that this would be a move that will likely lead to social isolation of the disagreeing Maasai. Open opposition and disagreement, or violent uprising against the Maasai traditional leaders were not mentioned in our interviews.

5.4 Uganda

Background

TGI have an eventful political history in Uganda. Next to several ethnic groups which were organized in a non-hierarchical manner, such as the Iteso, a small number of kingdoms inhabited the area of today's Uganda, most prominently the Kingdom of Buganda. The hierarchical organization of the Buganda Kingdom made its elites suitable intermediaries to rule the territory for the British colonial administration. The colonial expansion in Uganda saw many non-Buganda areas governed by Baganda agents, ruling e.g. over the Iteso ethnic group. Upon independence in 1962, the king of the Baganda, *Kabaka* Edward Mutesa II, became the first president of Uganda. Yet, a period of instability followed, with Milton Obote abolishing kingdoms in 1966 with his installation as president, forcing the Kabaka into exile. After the civil war, Yoweri Museveni became president in 1986, and the leader of the National Resistance Army (NRA, as a party renamed as National Resistance Movement, NRM) has remained in office ever since. In 1988 the current Kabaka, Ronald Muwenda Mutebi II, was permitted to return to Uganda.

Legal and political integration

When taking office, Museveni “knew that it might be very difficult to rule Uganda without the kingship” - as a member of the Buganda royal family and high-level state civil servant related (UGA_TRA_04). The president promised to revoke the abolishment of traditional leaders in exchange for the Buganda kingdom’s support in the NRA’s struggle (UGA_TRA_10). The government introduced the current Ugandan constitution in 1995, in which traditional leaders are recognized in their role for the community, but banned from partisan political actions (Art. 246). Further jurisdiction was put forward in 2011 with the “Traditional and Cultural Leaders Act”. The act recognizes traditional leaders from thirteen TGI (so-called “cultural institutions”), who receive a government salary of five million Ugandan shillings monthly. In addition, the government sponsors the cultural leader personally with finances for a car, international first class travel, or paying higher education fees for biological children. Through this act, the government has effectively extended its control over many traditional authorities, as a leader now “cannot declare things that are against the state, because he knows he receives money from there” (UGA_POP_06). The Buganda kingdom, however, had sufficient resources to reject financial support from the state. As some interviewees have pointed out, the government has succeeded in politically dividing the traditional leaders of different ethnic groups by making them financially dependent on the state.

Social and organizational significance, political relevance

Interviewees frequently pointed out that the constitutional conception of non-partisan cultural leaders is too vague and unrealistic, because “you cannot say, culture is culture. Culture is politics, it is how you organize society” (UGA_EXP_05), and many constituents “look to the traditional institution first, before they look at the state” (UGA_EXP_03).

Nationally, Buganda-related issues are often sensitive, and the Buganda Kingdom is a relevant political player, already because of its size and history, but also because of its economic prosperity and especially in its demand for *federo*, a federal Uganda with increased administrative powers for Buganda. The self-assurance of members of the Buganda administration is significant: “Uganda cannot survive without Buganda” (UGA_TRA_01). Opposition to the kingdom can have negative effects on political candidates’ prospects. As a former presidential candidate put it: “As a politician, I stay away from them” (UGA_POP_09). Moreover, social significance is high and the Baganda people are extremely loyal to their king. The Kabaka “can influence even by just one statement what happens in the public sphere, in terms of the political arena” (UGA_EXP_03). Even though TGI are not supposed to be partisan, Buganda officials communicate candidate preferences indirectly (UGA_POP_03). Generally, the institution and word of the Kabaka is an authoritative force.

By contrast, the current traditional administration of the Iteso, organized within the central Iteso Cultural Union (ICU), is a rather young institution dating from 2000. ICU has been built in reaction to the Cultural Leaders Act in an attempt for a stronger representation of Iteso interests. Its social significance within the Iteso community is rather low. Clan leaders of the Iteso confirm that even though the *Papa Emorimor* is supposedly their head, “in reality this is not the fact. He is lacking grass root support” (UGA_TRA_08). A long-term goal of the ICU is to establish the Emorimor as a spokesperson for the Iteso (UGA_TRA_06, UGA_TRA_07). Currently, he is seen as respected, but “helpless” (UGA_POP_07). Constituents “attach culturally more to their clan systems, and not to the

Emorimor. The clan leaders are much more important” (UGA_EXP_02). Political demands are voiced to the government representatives, and solutions are expected from the president, not from the ICU (UGA_POP_08). Small in number, the Iteso have no political relevance.

Institutional set-up of TGI and similarity to state institutions

The Buganda Kingdom strongly resembles a hierarchical and centralized restrained monarchy, with the Kabaka as its ruler. The kingdom has a complex and differentiated administrative hierarchy, and mirrors a modern, albeit autocratic state in its political organization. The Kabaka is supported by the prime minister (*Katikiro*) and about 40 ministries, e.g. for local government, justice, finance, education, health, women and gender, and even one for Buganda affairs abroad (UGA_TRA_02). Representatives of the kingdom can be found down to lowest level of governance in the villages, and sometimes act as double heads both for the government and as the “Kabaka’s man” (UGA_STA_05, UGA_TRA_03). Deputies of the parliament of Buganda (Lukiiko) come from all Baganda clans or are special representatives of professions and minority groups. They are vetted, selected, and appointed by the Kabaka and his administration (UGA_TRA_01). Buganda is organized along the model of modern democratic states but is in substance as autocratic as Uganda itself.

The Iteso socio-political organization was traditionally acephalous and fairly egalitarian, with small clan units structured along lineages (UGA_POP_06, UGA_POP_07). Since the late-1990s, however, there have been efforts to centralize the traditional Iteso polity under the wings of the ICU and the Emorimor, who is elected by clan leaders (UGA_POP_06). The office of the Emorimor is rotational between clans, but the leader stays in office for life (UGA_STA_07). Representatives of the ICU confirmed to us that they are purposefully emulating Buganda to improve their leverage with the state (UGA_TRA_06). The ICU organization features ministries for several resorts, headquarters in Soroti, and plans exist to start a development foundation (UGA_TRA_06). Yet again, the ICU does not aim to be a full-blown administration. Iteso traditional leaders have also expressed to us their fear that in case the government gives in to *federro* demands, poorer regions of Uganda might be cut off from an economically powerful autonomous Buganda region which would include Kampala (UGA_TRA_06, UGA_TRA_07).

Level I: state-traditional conflict

The relationship between the state and TGI varies for different traditional groups, and is particularly strained between the Buganda Kingdom and the government. First, a Buganda minister pointed out that Museveni has not fulfilled his promises to the Buganda administration (UGA_TRA_10). This particularly applies to the issue of land – former colonial land, which, as Buganda representatives argue, should be completely returned to the royal administration (UGA_STA_05, UGA_TRA_10). Many interviewees have pointed out the potential for crisis and violence intrinsic in the relation between the Buganda kingdom and the current government. If the land disputes cannot be resolved, and if the frustration of the general population with the government and the socio-economic situation of the country cannot be reduced, the government might feel more threatened by the kingdom, and the latter more inclined to object to government policies (UGA_EXP_05). This leverage is especially deduced from the relative population share of the Baganda, the

Kingdom's ownership of large shares of land in central Uganda, and the ability of the Buganda administration to mobilize effectively (e.g. via their radio station broadcast) (UGA_TRA_05, UGA_STA_08). All of this has led to repeated conflict between the government and the Buganda administration, with both political and violent tensions emerging. Examples are the events related to the visit of the Kabaka to Kayunga district in 2009 with more than 20 casualties (UGA_TRA_01, UGA_POP_03, UGA_TRA_10), or to the burning of the Royal Kasubi tombs in 2010 (UGA_TRA_05, UGA_STA_09).

State authorities emphasized the challenge represented by their Buganda counterparts. In fact, in the eyes of interviewed Buganda authorities, current traditional rights do not go far enough (UGA_TRA_09). Rather, they demand a federal system referred to as *federo*, in which the political authority of the Kingdom would increase, and the Kabaka would become a state-level constitutional monarch (UGA_EXP_05). These demands are a contested issue in Ugandan politics.

As to the relationship between the ICU and the state, there is no conflict. The current Emorimor is seen as the "puppet of the president" (UGA_EXP_02). Overall, the centralization of Iteso traditional organization and integration with the Ugandan state has meant more state control. This has reduced the potential for conflict between the traditional leadership and the state (without contributing to an end of endemic ethnic violence in the area).

Level II: conflict between groups

The level of conflict between TGI of different groups is today mostly political and not violent, varies depending on different political issues and historical contingencies, and depends on the state's agenda of intervention. Interviewees stressed the ceremonial character of TGI relations, as the representatives of the different royal families visit one another for birthdays, funerals, or other social functions (UGA_STA_08). An actual institutionalized forum for traditional leaders to meet and discuss common interests and agendas was, according to the testimonials given to us, at the time of research, insignificant at best (UGA_STA_09). There is the fear of the other kingdoms and TGI of the dominance of Buganda, however.

Level III: conflict within groups

The level of conflict between members of a specific group and its traditional authorities seems to be a function of how much dissent is socially acceptable within the group, and how well constituents feel their TGI fulfill their envisioned role. Within the Baganda community, strong open dissent with the Kabaka or the kingdom's administration is rarely observed (UGA_TRA_04, UGA_STA_02). The interviewees gave various reasons. First, the Kabaka himself rarely announces something highly contentious or disagreeable (UGA_TRA_01). In other words, few people would criticize the Kabaka for ordering his subjects to strive for development or support him in a new education initiative. Second, as a norm the Kabaka's word is not to be criticized, and social sanctions and ostracism await the one who does (UGA_POP_09). Third, as representatives of the Buganda Kingdom would stress, before the kingdom communicates political decisions, every ruling has gone through a thorough discursive process involving the Buganda parliament, the prime minister, the Kabaka, and his advisers (UGA_TRA_09). Fourth, overall, the Baganda

interviewees seemed satisfied with the role of the Buganda kingdom, given the circumstances of the limited finances of the royal administration.

With regard to the ICU, the Iteso seem much more prone in criticizing their leadership. Several justifications were given for this. First, the ICU's reform and organization is still in flux, and people simply do not have the same emotional attachment as the Baganda have with the Kabaka. Second, before the reform, the Iteso were organized in a more decentralized, clan-based system, and would only centralize their organization in times of war or crisis. To reach common goals in the decentralized system, discourse and disagreement were common and needed. Third, the Iteso voice their dissatisfaction with the ICU because the current Emorimor has allegedly been put in place by the government and replaced the traditional leader designated by the clan authorities to become their leader (UGA_EXP_02). In addition, while some clan leaders have objected to the election of the current Emorimor, and still are in opposition to his rule, others have been unable to cover the transport costs to participate in his election (UGA_TRA_08). This felt lack of legitimacy was further fueled by incidents concerning the potential commercial use of traditional wetlands for sugar plantations. Because the Emorimor and his administration had, in the eyes of clan leaders and subjects, simply dictated the commercial use of the wetlands, these plans were strongly opposed by the people and later abandoned (UGA_TRA_06). Fourth, many of the Iteso know that the ICU has no financial leverage at all. Therefore it has so far been unable to make a difference in terms of general development in the regions.

6 Comparative Evaluation of the Hypotheses

In this section we use the information presented above to evaluate our hypotheses H_1 to H_6 . As our cases do not only vary widely on the dimensions of our explanatory factors, but – as shown in the last section – also in respect to the three levels of conflict, we are able to conclude which of the proposed hypotheses are worth considering for further analysis in more comprehensive studies and which ones have to be changed or differentiated.

The first hypothesis held that we would only expect conflict to appear if existing TGI are socially and organizationally significant. In fact, there is much divergence in how the traditional polities in our sample have developed institutionally over time. While the Maasai have largely maintained their TGI, the Buganda Kingdom and Ovambo possess a consolidated neo-traditional state-like apparatus, the Iteso, Nama and Kikuyu attempt to centralize their organization, and the Sukuma and Abawanga TGI are more akin to cultural associations. This type of contemporary organization then mirrors and affects the social significance of TGI today. In the less established traditional polities, disagreement with the TGI within the group seems more frequent (Iteso, Nama, and Kikuyu). For the least consolidated TGI (Sukuma and Abawanga) the social significance of TGI is so low that conflicts between constituents and TGI simply do not occur. In sum, we found significance to be highest in Uganda and Namibia, followed at some distance by Kenya. TGI are socially insignificant at country level in Tanzania; we only found some internal significance for the small group of Maasai. Consequently we would not expect to see conflict in Tanzania, and less conflict in Kenya as compared to Namibia and Uganda. We evaluate our observations as a confirmation of H_1 , as we found only traces of local conflict in Tanzania and not much conflict in Kenya involving TGI. To explain the differences in conflict levels between Namibia and Uganda, we must examine the further factors.

Turning to conflict between the state and TGI (level I), we conjectured that democratic states can handle potential conflict with significant TGI better than autocracies. As Tanzania does not possess significant TGI, we check for the other three countries. In fact, we observe strong to violent level I conflict in a more autocratic Uganda, but not so much in more democratic Namibia and Kenya. Thus, H_2 holds for our sample. Nevertheless, looking at the details reported above, it might be premature to really assume a causal relationship, given the fact that more factors are involved.

The third hypothesis dealt with the idea that the dissimilarity of state and significant group-level TGI in respect to democraticness will lead to level I conflict. We can again neglect Tanzania because of TGI insignificance. In Kenya we observe no level I conflict combined with low organizational significance plus similarity for the Kikuyu and high organizational significance plus dissimilarity for the Wanga Kingdom – the first dyad supporting, the latter dyad not supporting the hypothesis. In Namibia we also do not observe level I conflict, although TGI are significant and dissimilar with the state democracy, at least for the Ovambo, somewhat less for the Nama. In Uganda level I conflict between state and the Buganda Kingdom is prevalent, but does not fit the hypothesis as both systems are fairly autocratic and TGI have high significance in Buganda. Lack of conflict between the state and the less autocratic Iteso TGI does not provide support but might be explained by low significance. We thus have predominantly contradictory evidence. To some degree this could be remedied by adding political relevance as a third condition. Still, if we leave aside the small communities as irrelevant for level I conflict, the Ovambo in Namibia and the Buganda in Uganda do not fit the idea that similarity in type of political system helps avoiding conflict between the two parallel systems. One explanation for these results might be that our measurement of democraticness is too crude or incompatible across levels,

another one that other factors are much more important conflict drivers. For a larger sample of African countries, Kromrey (2016) develops such a measurement. She finds traditional authorities to strengthen democratic regime. The democracy promoting potentials of traditional authorities, however, is not related to their own democraticness.

Hypothesis H₄ expects legal integration of significant TGI to lead to less conflict than non-integration because the former implies harmonization of rules. Neglecting Tanzania, we arrive again at contradictory results. Kenya as a country without legal integration and with similar assimilation politics as Tanzania has no level I conflict. This does not fit the hypothesis although it could be a consequence of relatively low significance or no political relevance. The weakly integrating Uganda forms also a contradictory case as it exhibits the strongest level I conflict in our sample. Only the strongly integrating country Namibia supports our hypothesis, as significant TGI have standard low-level political conflict with the state, which is peacefully managed by the legal and administrative system. This situation suggests that the hypothesis could be refined with respect to the exact form of integration. Only very strong or unambiguous forms of legal integration, tightly knitting the parallel systems together, seem to exert positive effects on level I conflict.

Hypothesis H₅ states that we expect conflict at level II, between traditionally organized groups, only for countries characterized by ethnic polarization or dominance, only for significant TGI and for politically relevant groups. The high fractionalization (plus insignificance and irrelevance) and absence of such conflict in Tanzania fits the hypothesis. Similarly, in fractionalized Uganda conflict at level II is moderate at best, despite significance and political relevance. Namibia is a clear case of ethnic dominance with significant and relevant TGI. However, we do not observe much salient conflict between the Ovambo and other ethnic groups that would potentially challenge their dominance. The democratic electoral results turning ethnic dominance into political dominance seem to be accepted in Namibia. We found some dissatisfaction with the Ovambos' hegemony, however, uttered in a rather "resigned" manner with no indication of strong salience. For Kenya there is no dominance; however, there is clear political polarization (even if not very high in numbers). The competition of the Kikuyu and the Luo for government in combination with ethnically based political parties creates a situation political polarization, which might lead us to expect conflict at level II. In fact, Kenya experienced electoral violence between the two groups. However, the role of TGI in this context is unclear. We are thus confronted with two confirming, one unclear, and one contradictory observation. Overall we did not find much level II conflict, mostly in concordance with the hypothesis. We therefore suggest testing this hypothesis for a greater sample. A research design is needed which permits the clear distinction between the effects of TGI and of ethnic conflict itself.

The final hypothesis H₆ refers to conflict at level III, within the ethnic groups governed by TGI. It basically contends that we expect conflict only for significant TGI which resemble autocracies in their institutional setup. We distinguished between conflict over (succession in) office and conflict over performance of the TGI. In combination with social and organizational significance we should expect to find level III conflict for the Ovambo and the Buganda kingdoms, and no conflict for all other groups, either because of internal insignificance (Wanga, Nama, Iteso, Sukuma) or of democraticness (Kikuyu, Nama, Maasai). In fact we found moderate level III conflict in two of the hierarchically organized groups: the Wanga and the Ovambo kingdoms, but also for the Nama. We only observed minor internal conflict for the Buganda Kingdom, however. That is, we have mainly two contradictory cases, the Nama and Baganda.

It seems succession conflict arises in all groups with hereditary leadership, irrespective of their other features. The case of the Nama indicates that legal integration and state accreditation of TGI might reinforce succession conflict as it makes the chief's or king's office more desirable. Succession conflict can only be observed, however, if an instance of succession is pending. We do not observe it currently in Buganda – but who knows what happens if the Kabaka is to be replaced? The extent of loyalty the Baganda pay their Kabaka seems to prevent other internal conflict. This might in itself be interpreted as an autocratic feature – implying, in stark contrast to our hypothesis, that autocracy helps avoiding (better: suppressing) internal conflict. However, the Baganda seem to be satisfied with the Buganda Kingdom's performance and would like to see its power increase (Kern 2016a: 158).

7 Conclusions and Future Perspectives

In this report, we explored how the presence and practice of traditional governance institutions (TGI) may affect levels of conflict in Sub-Saharan Africa. We build our conclusions on in-depth interviews we conducted in four countries (Kenya, Namibia, Uganda, and Tanzania) with individuals representing traditional governance institutions, state authorities, and local experts. While our small-n comparison of four countries and eight ethnic groups does not allow for broadly based testing of our theoretical conjectures, our analysis provides an empirical plausibility probe into the different causal mechanisms linking traditional governance institutions and local conflict in Sub-Saharan Africa. We summarize the results and point to interesting areas for future research.

First, the extent to which TGI are related to conflict across the four countries is moderate. We distinguished three levels of potential conflict: between state and TGI, between groups organized by TGI, and within those groups. The dispute of the Kingdom of Buganda with the state of Uganda is the only case of continued conflict, including some violent eruptions. In Kenya we found one of our ethnic groups, the Kikuyu, involved in post-electoral violence in 2007-2008, but could not clarify the role of TGI in this episode. Conflict between constituents and TGI or among the TGI itself is more frequent and appears to some degree in all ethnic groups of our sample, but is at the same time less salient. Surprisingly many conflicts over the office of a chief or king, mostly about succession, were mentioned. These conflicts are usually handled peacefully, based on customary or state law.

Second, our basic hypothesis that TGI contribute to conflict only in combination with high social and organizational significance at country- and group-level has been corroborated. In Tanzania, where significance is restricted to cultural traditions, we could not find any conflict related to TGI. Significance is thus a prerequisite for TGI-related conflict.

Third, as hypothesized we find less conflict between the state and significant TGI in democracies as compared to autocracies. As we examine only four countries, this result has to be taken with care as it might be the consequence of other factors. Lack of conflict in Kenya could also be a result of rather low significance of TGI; lack of conflict in Namibia might follow from strong legal integration. Nevertheless, hypothesis H₂ is a promising candidate for further testing within a greater sample of countries.

Fourth, the hypothesis on the similarity of state and TGI in respect to their democraticness did not lead to a distinct result. Conflict between the state and the TGI does not seem to be correlated with a dissimilarity of their type of political system. To arrive at a clearer picture it is not only necessary to include a greater number of countries, but also to develop a concept that enables us to reliably compare the democraticness of states with TGI.

In terms of institutional compatibility the interviews revealed another interesting aspect that deserves to be pursued further. State respondents across country cases emphasized that a centralized organization of TGI may facilitate collaboration between the state and traditional leaders because traditional representatives can be more easily identified. Moreover, the cases of Namibia and Uganda point to the idea of state-induced similarity, where the state offers incentives to TGI to re-organize in a similar manner. If TGI agree to assimilate, potentials for conflict between the state and TGI may be reduced. Traditional leaders share this assessment, as exemplified by the Iteso in Uganda reforming their traditionally clan-based organization and establishing a kingdom. In sum, we find not only a movement toward more "stateness" of TGI in order to integrate, but also state administrations that "traditionalize" in the attempt to incorporate TGI (e.g. by

accommodating traditional land tenure and dispute resolution mechanisms in all four countries).

Fifth, we found contradictory evidence with respect to legal integration and institutional harmonization of state and TGI. In Namibia, the legal integration of TGI has reduced the intensity of, and potentials for disputes involving TGI for all levels of conflict. Furthermore, while we have selected Tanzania as a case where TGI are “not integrated”, our interview evidence suggests Tanzania can be regarded as a special case of legal regulation, namely unambiguously abolishing TGI. In both instances, the clear constitutional-legal code regarding TGI (a) has given the state more control over traditional leaders' claims and activities, and (b) has provided constituents with unambiguous channels to process conflict on the local level. Ambivalent forms of formal integration, as in the case of Uganda, may contain potentials for conflict between the state and TGI. This seems especially so if there is no congruence between the degree of formal integration and the social significance of a traditional community (i.e. the Buganda Kingdom). Overall, the interview accounts suggest that unambiguous legal status of TGI precedes a non-conflictive relationship between TGI and the state.

Moreover, there is an aspect of legal integration that the hypothesis does not capture. Apart from the Maasai, all surveyed TGI were portrayed as attempting some kind of formalization of their own polity. For instance, Buganda authorities want stronger institutionalization of their powers as a federal unit of Uganda; Iteso representatives emphasized that they emulate Buganda to become more hierarchically organized to more effectively represent their interests to the state; the Kenyan Kikuyu National Council of Elders presented us with a constitutional document defining functions and hierarchies, as did the elders of the Wanga Kingdom; and the Sukuma council of elders had plans for such a document, but so far has been unable to adopt it; both the Ovambo and the Nama largely accept the extensive formalization driven by the state due to related benefits. The movement toward formalization of the traditional polity seems to somewhat coincide with a tendency for centralization of representation. In sum, the dimension of legal integration maybe more complex than hypothesized but should by no means be dismissed from the research agenda.

Sixth, we could not corroborate our hypothesis on the conflict potential of TGI between different ethnic groups. We expected conflict to arise in countries with ethnic polarization or dominance when TGI are significant and the involved ethnic groups are politically relevant. Our sample reveals only one serious conflict between ethnic groups, the post-electoral violence in Kenya, for which we cannot confirm an active role of TGI as a causal mechanism. On the negative side, however, we can confirm that conflict does not arise in cases without polarization or dominance in combination with insignificance and with politically irrelevant groups.

Seventh, our hypothesis on the level III conflict enhancing effect of autocratic TGI might be disputable as such, as well-functioning autocracies may be able to suppress conflict. Moreover, looking more closely at the eight ethnic groups, we learn that the ECA categorization of absolute and restrained chiefdoms as autocratic and village kinship and age-set systems as democratic might have been imprecise. Hereditary leadership is also present in less hierarchical systems; high loyalty and absence of criticism of the leaders is also a feature of the Maasai communities. We thus conclude that TGI deserve a closer inspection in respect to their democraticness. The prevalence of succession conflict, however, points to the inherently autocratic nature of most TGI, just because of the personal rule of dynasties, even for smaller groups without several levels of organization.

Finally, the only other issue carrying some potential for internal conflict revolves around land. This includes individual conflict, often mediated and resolved by traditional leaders or courts, or dissatisfaction with land allocation to individuals by the chief or king. Moreover, land issues can trigger level II conflict between groups (e.g. the Ovambo clans; cf. Behr et al. 2015) and level I conflict with the state, when property rights are disputed such as in the case of Buganda. The role of TGI in land management is surely an issue that should be further explored in the future.

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Appendix A: List of Interviews by ID

ID	Country	Respondent Group	Ethnic Group	# Participants	Gender
KEN_STA_01	Kenya	State		1	m
KEN_STA_02	Kenya	State		1	m
KEN_STA_03	Kenya	State		1	m
KEN_STA_04	Kenya	State		1	m
KEN_STA_05	Kenya	State		1	m
KEN_STA_06	Kenya	State		1	m
KEN_STA_07	Kenya	State		1	m
KEN_STA_08	Kenya	State		1	m
KEN_STA_09	Kenya	State		1	m
KEN_STA_10	Kenya	State		1	m
KEN_STA_11	Kenya	State		5	mmmmm
KEN_STA_12	Kenya	State		1	m
KEN_TRA_01	Kenya	Traditional	Kikuyu	3	mmm
KEN_TRA_02	Kenya	Traditional	Kikuyu	2	mm
KEN_TRA_03	Kenya	Traditional	Kikuyu	1	m
KEN_TRA_04	Kenya	Traditional/Population/State	Kikuyu	1	m
KEN_TRA_05	Kenya	Traditional	Kikuyu	1	m
KEN_TRA_06	Kenya	Traditional/Population/State	Kikuyu	1	m
KEN_TRA_07	Kenya	Traditional	Wanga	1	m
KEN_TRA_08	Kenya	Traditional	Wanga	1	m
KEN_TRA_09	Kenya	Traditional	Wanga	1	m
KEN_TRA_10	Kenya	Traditional	Wanga	1	m
KEN_TRA_11	Kenya	Traditional	Wanga	1	m
KEN_TRA_12	Kenya	Traditional	Wanga	1	m
KEN_TRA_13	Kenya	Traditional	Wanga	1	m
KEN_TRA_14	Kenya	Traditional	Kikuyu	2	mm
KEN_TRA_15	Kenya	Traditional	Kikuyu	1	m

KEN_TRA_16	Kenya	Traditional	Kikuyu	1	m
KEN_TRA_17	Kenya	Traditional/Population	Kikuyu	3	mmm
KEN_TRA_18	Kenya	Traditional	Kikuyu	3	mmm
KEN_EXP_01	Kenya	Experts		1	m
KEN_EXP_02	Kenya	Experts		1	m
KEN_EXP_03	Kenya	Experts		1	m
KEN_EXP_04	Kenya	Experts		1	m
KEN_EXP_05	Kenya	Experts		1	m
KEN_EXP_06	Kenya	Experts		1	m
KEN_POP_01	Kenya	Population		1	f
KEN_POP_02	Kenya	Population		2	fm
KEN_POP_03	Kenya	Population		1	m
NAM_STA_01	Namibia	State		1	m
NAM_STA_02	Namibia	State		1	f
NAM_STA_03	Namibia	State		1	f
NAM_STA_04	Namibia	State		1	m
NAM_STA_05	Namibia	State		1	m
NAM_STA_06	Namibia	State		1	f
NAM_STA_07	Namibia	State		1	f
NAM_STA_08	Namibia	State/Population		2	mm
NAM_STA_09	Namibia	State		1	m
NAM_STA_10	Namibia	State		1	m
NAM_STA_11	Namibia	State		1	f
NAM_TRA_01	Namibia	Traditional	Nama	2	mm
NAM_TRA_02	Namibia	Traditional	Nama	1	m
NAM_TRA_03	Namibia	Traditional	Nama	1	m
NAM_TRA_04	Namibia	Traditional	Nama	1	m
NAM_TRA_05	Namibia	Traditional	General	1	m
NAM_TRA_06	Namibia	Traditional	Ovambo	1	m
NAM_TRA_07	Namibia	Traditional	Ovambo	2	mm

NAM_TRA_08	Namibia	Traditional	Ovambo	1	m
NAM_TRA_09	Namibia	Traditional	Ovambo	1	m
NAM_TRA_10	Namibia	Traditional	Ovambo	1	f
NAM_TRA_11	Namibia	Traditional	Ovambo	2	mm
NAM_EXP_01	Namibia	Expert		1	m
NAM_EXP_02	Namibia	Expert		1	m
NAM_EXP_03	Namibia	Expert		1	m
NAM_EXP_04	Namibia	Expert		1	m
NAM_EXP_05	Namibia	Expert		1	m
NAM_EXP_06	Namibia	Expert		1	m
NAM_EXP_07	Namibia	Expert		1	f
NAM_POP_01	Namibia	Population		1	m
NAM_POP_02	Namibia	Population		1	m
NAM_POP_03	Namibia	Population		1	f
NAM_POP_04	Namibia	Population		1	m
NAM_POP_05	Namibia	Population		1	f
TAN_STA_01	Tanzania	State		1	m
TAN_STA_02	Tanzania	State		1	m
TAN_STA_03	Tanzania	State		3	mmm
TAN_STA_04	Tanzania	State		1	m
TAN_STA_05	Tanzania	State		1	m
TAN_STA_06	Tanzania	State		1	m
TAN_STA_07	Tanzania	State		1	f
TAN_STA_08	Tanzania	State		1	f
TAN_TRA_01	Tanzania	Traditional	Sukuma	1	m
TAN_TRA_02	Tanzania	Traditional	Sukuma	1	m
TAN_TRA_03	Tanzania	Traditional	Sukuma	1	m
TAN_TRA_04	Tanzania	Traditional	Sukuma	1	m
TAN_TRA_05	Tanzania	Traditional	Maasai	1	m
TAN_TRA_06	Tanzania	Traditional	Maasai	1	m

TAN_TRA_07	Tanzania	Traditional	Maasai	1	m
TAN_TRA_08	Tanzania	Traditional	Maasai	1	m
TAN_TRA_09	Tanzania	Traditional	Maasai	2	mm
TAN_EXP_01	Tanzania	Expert		1	m
TAN_EXP_02	Tanzania	Expert		1	m
TAN_EXP_03	Tanzania	Expert		1	f
TAN_EXP_04	Tanzania	Expert		1	m
TAN_EXP_05	Tanzania	Expert		1	m
TAN_EXP_06	Tanzania	Expert/Population		1	m
TAN_EXP_07	Tanzania	Expert		1	f
TAN_EXP_08	Tanzania	Expert		1	m
TAN_POP_01	Tanzania	Population		1	m
TAN_POP_02	Tanzania	Population		1	m
TAN_POP_03	Tanzania	Population		1	m
TAN_POP_04	Tanzania	Population		1	m
TAN_POP_05	Tanzania	Population		1	m
TAN_POP_06	Tanzania	Population		1	m
UGA_STA_01	Uganda	State		1	m
UGA_STA_02	Uganda	State		1	m
UGA_STA_03	Uganda	State		1	f
UGA_STA_04	Uganda	State		1	m
UGA_STA_05	Uganda	State/Traditional	Buganda	1	m
UGA_STA_06	Uganda	State		1	f
UGA_STA_07	Uganda	State		1	m
UGA_STA_08	Uganda	State		1	f
UGA_STA_09	Uganda	State		1	f
UGA_STA_10	Uganda	State		1	m
UGA_TRA_01	Uganda	Traditional	Buganda	1	f
UGA_TRA_02	Uganda	Traditional	Buganda	1	m
UGA_TRA_03	Uganda	Traditional	Buganda	1	m

UGA_TRA_04	Uganda	Traditional	Buganda	1	m
UGA_TRA_05	Uganda	Traditional	Buganda	1	f
UGA_TRA_06	Uganda	Traditional	Teso	1	m
UGA_TRA_07	Uganda	Traditional	Teso	1	m
UGA_TRA_08	Uganda	Traditional	Teso	2	mm
UGA_TRA_09	Uganda	Traditional	Buganda	1	m
UGA_TRA_10	Uganda	Traditional	Buganda	1	m
UGA_EXP_01	Uganda	Experts		1	m
UGA_EXP_02	Uganda	Experts		1	m
UGA_EXP_03	Uganda	Experts		1	m
UGA_EXP_04	Uganda	Experts		1	m
UGA_EXP_05	Uganda	Experts		1	m
UGA_EXP_06	Uganda	Experts		1	f
UGA_POP_01	Uganda	Population		1	m
UGA_POP_02	Uganda	Population		1	f
UGA_POP_03	Uganda	Population		1	m
UGA_POP_04	Uganda	Population		1	m
UGA_POP_05	Uganda	Population		1	m
UGA_POP_06	Uganda	Population		1	f
UGA_POP_07	Uganda	Population		1	m
UGA_POP_08	Uganda	Population		2	fm
UGA_POP_09	Uganda	Population		1	m

About the Authors

Katharina Holzinger holds the Chair of International Relations and Conflict Management at University of Konstanz, Germany. She received her PhD in Political Science at the University of Augsburg in 1993. Afterwards, she worked as a senior research fellow at the Social Science Research Center (WZB) in Berlin (1993-1997) and at the Max-Planck-Project Group for the Study of Common Goods in Bonn (1998-2003). From 2004 to 2007 she held a Chair of Government at University of Hamburg and acted as a Director at the Centre for Globalisation and Governance. Her research interests evolved from environmental policy at the national and European level to EU decision-making, to globalization and transnational public goods and to internal conflict and traditional governance in Africa. Current research projects are dealing with the dualism of traditional governance and modern statehood, the measurement and effects of deliberative communication, and with differentiated integration in the European Union.

Florian G. Kern is a Postdoctoral Research Fellow at the Department of Government and the Michael Nicholson Centre for Conflict and Cooperation at the University of Essex. He received his PhD in Politics and Public Administration in 2016 from the University of Konstanz, where he was also a Junior Research Fellow from 2010 to 2015 at the Chair of International Relations and Conflict Management. His main research interest is in the comparative politics and the political economy of local governance and public goods provision, with a regional focus on Sub-Saharan Africa and indigenous America.

Daniela Kromrey is Program Director for Internationalization at the *Zukunftskolleg*, an Institute for Advanced Study at the University of Konstanz. She completed her PhD in Politics and Public Administration at the University of Konstanz in 2016. In Konstanz, she was a Junior Research Fellow from 2010 to 2016 at the Chair of International Relations and Conflict Management. Her current areas of interest include democracy and traditional political systems as well as the influence of former liberation movements on state politics in Africa, and survey research methodology.

Folgende Publikationen (Auswahl) sind über die DSF zu beziehen:

Forschung DSF:

- Jürgen Rüländ/Maria-Gabriela Manea: How much an Actor and under which Logics of Action? Roles of Parliaments in the Establishment of Democratic Control of the Armed Forces in Indonesia and Nigeria. Osnabrück 2012 (Heft 34).
- Ulrich Schneckener: Zwischen Vermittlung und Normdiffusion. Möglichkeiten und Grenzen internationaler NGOs im Umgang mit nicht-staatlichen Gewaltakteuren. Osnabrück 2013 (Heft 35).
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Jahresberichte DSF:

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- Roland Czada/Thomas Held/Markus Weingardt (Eds): Religions and World Peace. Religious Capacities for Conflict Resolution and Peacebuilding (= Religion – Konflikt – Frieden, Bd. 5) Baden-Baden: Nomos 2012.
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