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Research Article

A Historical Evolution of Cross-Border Dilemmas in Female Genital Mutilation Control among the Kuria of Kenya and Tanzania, 1963-2010

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Abstract
Female Genital Mutilation (FGM) has remained one of the most persistent socio-cultural practices among the Kuria communities straddling the Kenya–Tanzania border despite decades of legal prohibition, policy interventions, and advocacy campaigns. This study examines the historical evolution of cross-border dilemmas in the control of FGM among the Kuria from 1963 to 2010. Employing a historical research design, the study draws on archival records, government reports, legal documents, oral testimonies, and relevant secondary literature to interrogate the changing dynamics of FGM regulation and resistance in the borderland region. The findings reveal that the porous nature of the Kenya–Tanzania border facilitated the migration of girls, circumcisers, and families seeking to evade state restrictions, thereby undermining national anti-FGM initiatives. The study further demonstrates that differences in legal frameworks, enforcement capacities, community attitudes, and cultural perceptions on either side of the border created opportunities for the continuation and adaptation of the practice. Rather than eliminating FGM, many interventions contributed to its concealment, cross-border relocation, and transformation into more clandestine forms. The article argues that the persistence of FGM among the Kuria cannot be adequately understood through nation-state approaches alone, but must be situated within the broader historical realities of borderland communities whose social, cultural, and kinship networks transcend political boundaries. The study contributes to scholarship on gender, borderlands, and cultural continuity in East Africa by highlighting the limitations of isolated national policies and the necessity of coordinated transboundary approaches in addressing deeply entrenched cultural practices.

Keywords: Female Genital Mutilation, Kuria, Kenya, Tanzania, borderlands, cross-border migration, cultural

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1. Introduction

Due to the clandestine nature of cross-border and transnational FGM/C, the exact number of people crossing borders to perform or undergo FGM/C remains unknown. Over the last two decades, criminalization of the practice has made it possible for the traditional leaders as well as circumcisers to perform their rituals in total secrecy across the borders. Both cross-border and transnational FGM/C are still poorly documented and difficult to identify. There is a lack of comprehensive and reliable data on the extent and nature of the problem, due (among other things) to insufficient attention and funding being given to the issue by the states concerned and other stakeholders.

This case study discusses the cross-border existence of the Kuria community, which straddles Kenya and Tanzania, and explains how this complicates the efforts of both governments to implement anti-FGM/C laws and policies effectively. The porous nature of the border has enabled families to evade anti-FGM/C legislation by crossing into neighbouring regions where enforcement is less stringent or where the practice remains

culturally permissible. Several factors linked to this cross-border context exacerbate the difficulty of controlling FGM/C in Kuria communities, creating a situation where cultural, legal, and geographical challenges intertwine. This chapter will explore some of the intricacies of those challenges, describe the cultural significance of FGM/C for the Kuria, and suggest some reasons for its persistence. It will examine how families exploit differences in national laws and enforcement mechanisms to carry out FGM/C in clandestine settings. Such practices undermine the effectiveness of domestic legislation and highlight the need for regional collaboration and harmonised policy frameworks to address this transnational issue effectively.

FGM/C among the Kuria

The Kuria have historically engaged in FGM/C as a rite of passage for young girls transitioning into womanhood. FGM/C is a source of group identity among the Kuria, functioning as a unifying cultural practice that solidifies community solidarity Mbugua (2004). The Kuria practices Type I (clitoridectomy) and Type II (excision) Female Genital Mutilation (FGM), as categorized by the World Health Organization (WHO). Type I involves the partial or total removal of the clitoris and, in some cases, the clitoral hood, while Type II includes the removal of the clitoris and the labia minora, sometimes extending to the labia majora. It is linked to the preservation of Kuria cultural traditions, passed down through generations. By participating in this rite, girls and their families reaffirm their commitment to the values and norms of the Kuria community. This pressure to conform is particularly strong in rural areas, where tradition holds more sway, and modern interventions against FGM/C are often resisted Aliber and Crane (2009): 115. The practice of FGM/C is also tied to gender roles and expectations within the Kuria community. FGM/C is viewed as a way to prepare a girl for marriage, enhancing her desirability as a wife Awori (2011): 60. The practice is believed to promote cleanliness, reduce sexual desire, and ensure a woman's fidelity to her husband. Ibid.: 61. Uncut women are often labeled impure (abasagane), making it difficult for them to find husbands, which has serious social and economic consequences.Ibid.: 62. This stigmatisation ensures that even when individuals or families wish to reject the practice, they are often compelled to conform due to societal pressure Kariuki (2007): 32. Though the Kuria are predominantly Christian and some adhere to traditional African religions, religious justifications for FGM/C persist. Many within the community view FGM/C as an ancestral tradition that must be maintained in order to honour their forebears and protect the community from spiritual harm. Christian influence has played a role in resisting anti-FGM/C campaigns, as some community leaders argue that abandoning the practice would invite divine retribution or disrupt social order Sampson (1998r): 89.

Studies of FGM/C among the Kuria includeHarrison et al. (2023), which explores innovative strategies for eradicating the practice. The programmethey describe integrates technology and community-based approaches, utilising mobile applications and digital platforms to enhance education and awareness about the consequences of FGM/C. The authors claim that collaboration with local communities ensures cultural sensitivity while empowering stakeholders to act as agents of change. This model showcases how technology can amplify grassroots efforts to tackle deeply ingrained practices, making it a replicable framework for similar contexts globally. The study underscores the importance of participatory programming and sustained dialogue in achieving measurable outcomes Harrison et al. (2023). Ondiek (2010) examines the enduring nature of FGM/C in Kuria and its detrimental effects on women's access to education and empowerment. The research highlights that FGM/C is perpetuated by cultural norms and societal expectations, particularly in patriarchal settings. The study argues for a holistic approach

that involves integrating educational reforms, economic empowerment, and grassroots mobilisation to challenge the socio-cultural factors that sustain FGM/C Ondiek (2010). Oloo et al. (2011) assess the role of Alternative Rites of Passage (ARPs) in reducing FGM/C in Kisii and Kuria districts. The ARPs serve as culturally acceptable substitutes, offering ceremonies that celebrate the transition to womanhood without the physical harm associated with FGM/C. The research illustrates the effectiveness of these interventions in communities where cultural identity is strongly tied to traditional rites. Collaboration with religious leaders, elders, and community influencers was identified as pivotal to increasing the acceptance of ARP, highlighting the need for culturally-adapted advocacy Oloo et al. (2011).

Several of these studies agree on the important role of community engagement in combating FGM/C. Programmes that integrate local voices, especially those of women and youth, tend to gain more traction. Initiatives like those documented by Harrison et al. (2023) and Oloo et al. (2011) underscore that empowering women through economic independence and education disrupts the cycle of FGM/C. they assert that by engaging cultural gatekeepers and providing alternative income streams [for former circumcisers], communities can progressively abandon FGM/CHarrison et al. (2023); Oloo(2011). These studies also suggest that a multifaceted approach is essential to eradicating FGM/C. Recommendations include strengthening legal frameworks, enhancing cross-border collaboration, and institutionalising ARPs as a standard practice. Furthermore, leveraging technology and fostering community-driven advocacy remain central. Research highlights that successful interventions are those that align with local customs while promoting progressive shifts in attitudes. This comprehensive strategy is essential for creating sustainable change in regions like Kuria and beyond.

One of the few reports on cross-border FGM/C was carried out by the UNFPA (2019). It examined cross-border activities particularly between Ethiopia, Kenya, Somalia, Tanzania, and Uganda. It called for a regional approach, advocating for synchronised legislation, cross-border surveillance, and community education. The report also underscored the importance of international cooperation and leveraging networks such as the African Union to address the transnational dimensions of FGM/C UNFPA (2019).

Kuria Cattle Culture and Patriarchy

FGM/C is often deeply rooted in African cultures where cattle play a central role in economic and social transactions. In societies that value livestock as symbols of wealth, cattle are integral to marriage and kinship customs, reinforcing a cycle in which daughters are seen as economic assets in bridewealth exchanges. FGM/C has traditionally been a precondition for marriage, considered essential for a girl's eligibility and perceived moral status, thus linking her worth directly to the family's economic gains. This practice supports a patriarchal system that ties a family's wealth to the control and commodification of women's bodies Peter N. Kiama(2015).34-40; Sada Mire2 (2010): 128-135.

Anthropologists have been interested in the social importance of cattle among African pastoralists since Herskovits' foundational work in 1926. Traditional pastoral models often illustrate how cattle are used according to social norms that reinforce both hierarchy and unity within communities, focusing primarily on the cultural frameworks that give livestock their value. Given their heavy reliance on cattle, the Kuria have long fitted quite neatly into classic descriptions of 'cattle complex' peoples as explained by early anthropologists. They have an encyclopaedic list of terms to describe cow shape, size, and colour; they slaughter or exchange cattle in all major ceremonies; and they expend

considerable energy and resources to protect and enlarge their herds. Or at least, that was the case when European missionaries, settlers, traders, and administrators arrived in the late nineteenth century.This attitude is changing fast as many no longer have such sentiments anymore.

Environmental changes, such as droughts and land degradation, have further impacted pastoralism, leading to reduced pasture availability and forcing Kuria pastoralists to rely on supplementary feeding and water trucking Mbugua (2004,) 45. Although the government has introduced policies aimed at modernizing livestock production, these have not always aligned with traditional pastoral practices, creating tensions Mbugua (2004), 112. Despite these challenges, cattle continue to play a central role in the Kuria economy and culture, but the practice of pastoralism has evolved into a more sedentary and market-oriented system, facing ongoing challenges related to sustainability, land access, and climate change Mbugua (2004), 68.

The Kuria kept large herds of cattle, not only because they suffered from a 'cattle complex'M.J. Herskovits(1926) 230-272of anthropological folklore, but because cattle played so many different roles. Not only did livestock serve as a medium of exchange and store of value, it was also important as prestige goods and objects of mystification articulated within a social and ideological system. The basic value of cattle was reflected in the many roles they played in Kuria social organisation.[1]Cattle were and are still affectionately looked after, readily identified with, and elaborately discussed. The wealth of an individual was measured in cattle units, and cattle fulfilled crucial ritual functions and obligations. The Kuria often increase their stocks mainly by raiding their neighboursP.A. Abuso (1974):302 Furthermore, raiding was a requirement for the Kuria youth to demonstrate courage after initiation. Most importantly for the purposes of this discussion, raiding was used to obtain cattle for bridewealth. This was demonstrated in a popular beer party song: 'Nyagorio we 'ngoombu, sobokera omokari, nawe nakurusiria egoorio'. This may be translated as: 'You who long for a woman, acquire more cattle for marrying, it is women who will quench your desires' (sic)Bwiru Sabora, Nyabikaaye. (18/4/97).

Patriarchy within these societies emphasises male control over female sexuality, aiming to regulate women's reproduction in order to protect family lineages and secure inheritance systems that are heavily reliant on pastoralism. By linking a woman's value to her circumcised status, FGM/C becomes a method of ensuring that daughters are 'marriageable' according to traditional expectations of purity and loyalty. This practice aligns with the need for lineage purity in systems where cattle wealth passes from father to son, reinforcing a cyclical dominance over female bodies that upholds male authority across generations Janet Muthoni (2016): 299-312, Nawal El Saadawi (1980)124.FGM/C is one of several customary practices that uphold patriarchal ideals casting women's roles primarily in terms of marriageability and familial ties, rather than individual autonomy.

From the above discussion, we can see that cattle have been central to the Kuria's way of life, representing wealth, social status, and a critical component of marriage customs. In particular, the exchange of bridewealth, often paid in cattle, reinforces social bonds and affirms the family's standing within the community. This exchange has significant implications for practices like FGM/C.FGM/C is thus perceived as a prerequisite for a girl's eligibility for marriage, symbolising her readiness for adult responsibilities, including bearing children and managing a household. By undergoing FGM/C, a girl was thought to attain social respect and was considered 'pure', thus increasing her value in terms of bridewealth. The cattle received in exchange for a circumcised daughter are seen

as compensation for the family's investment in her upbringing and preparation for adulthood. This connection between FGM/C and cattle intensifies the economic and social expectations placed upon girls, framing their circumcision as both a familial obligation and an economic strategy within the community.

Additionally, FGM/C among the Kuria is not only a family affair but also a community ritual, often involving celebrations that emphasise traditional values and social cohesion. Elders and women within the community, who are seen as custodians of Kuria traditions, play a significant role in organising and overseeing the ceremonies. These communal rituals link the practice of FGM/C with the broader cultural value placed on livestock, marriage, and inter-family relations, reinforcing FGM/C's role in sustaining the community's socio-economic structure. Some of these rituals are significantly being altered and modified with changing circumstances in contemporary times.

Cross-Border Governance of FGM/C

Despite widespread condemnation of FGM/C and efforts by both Kenyan and Tanzanian governments to outlaw the practice, it remains pervasive among the KuriaShell-Duncan, Bettina (2000).As mentioned, porous borders, coupled with cultural resistance to change, make it difficult for either government to make significant progress towards eliminating FGM/C. In Kenya, it was criminalised in 2011 under the Prohibition of Female Genital Mutilation ActGovernment of Kenya (2011) Tanzania outlawed FGM/C in 1998 through the Sexual Offences Special Provisions Act. This law criminalised the practice of FGM/C on girls under the age of eighteen, with penalties including imprisonment of up to fifteen years, a fine, or both. However, enforcement has been weak, particularly in border regions where traditional authority is strongJames, Carole, Terry S. Elkins(2003). Families in Kenya often cross into Tanzania to have their daughters circumcised, evading Kenyan law enforcementGalaty, John (2013). This cross-border movement complicates efforts to monitor and enforce anti-FGM/C laws, particularly in remote rural areas where the reach of government is limitedNjambi, Wairimu Ngaruiya (2019).

In recent years, education and advocacy have started to challenge traditional views on FGM/C among the Kuria. Local and international NGOs have been at the forefront of educating communities about the dangers of FGM/C and promoting Alternative Rites of Passage (see Chapters x and x)Johnson, Margret A, Nadya Denis(2017). These programmes, though often met with resistance, are slowly changing perceptions, particularly among younger generationsOboler, Regina Smith(2018) 213–229. Educated women are increasingly rejecting FGM/C and advocating for the rights of girls to remain uncut while retaining their cultural identityNussbaum and , Sen(2010).

At the time of Kenya and Tanzania's independence in the early 1960s, FGM/C was widespread among several ethnic groups, including the Kuria Fadwa El Guindi (1996).34. Independence brought renewed hope for socio-economic transformation, and both nations aimed to break from colonial legacies while maintaining certain cultural practices. However, the early post-independence governments largely refrained from directly confronting traditional customs like FGM/C, as such actions were viewed as potentially alienating rural communities which strongly adhered to these practicesShadle, Brett L (2008) 21-22.

Despite the cultural entrenchment of FGM/C, efforts to address its harmful consequences began to emerge slowly. In Kenya, the post-independence regime led by Jomo Kenyatta initially focused on unifying the country and addressing economic development rather

than social issues like FGM/C. As a result, FGM/C continued with little opposition during the first decade of independenceBeth Maina Ahlberg (2004).125.In Tanzania, President Julius Nyerere's government, rooted in socialist policies and Ujamaa (African socialism), emphasised collective progress and the eradication of harmful cultural practices.

However, like Kenya, Tanzania faced challenges in addressing deep-rooted traditions such as FGM/C, especially in border regions where traditional authorities were strong. The 1970s and 1980s saw the emergence of a global human rights movement, with women's rights and reproductive health gaining increasing attention. Organisations such as the United Nations, the WHO, and local women's groups began advocating for the eradication of harmful traditional practices, including FGM/C. In Kenya, the formation of women's advocacy groups, such as Maendeleo ya Wanawake, marked the beginning of a broader national conversation on FGM/C. These groups highlighted the health risks and long-term complications of the practice, challenging its cultural justification. Tanzania saw similar advocacy efforts during this period, with non-governmental organisations (NGOs) working alongside international bodies to educate communities about the dangers of FGM/C. Despite these efforts, progress was slow, particularly among the Kuria, where FGM/C was viewed as an essential rite of passage and cultural identity marker Jane K. Nkoma(2007): 45.

Government Policies and Legal Frameworks: The 1990s and Beyond

The 1990s marked a turning point in the fight against FGM/ C, as both Kenya and Tanzania began adopting legal frameworks aimed at eradicating the practice (see chapter x). In Kenya, the government introduced policies as part of its broader human rights and women's rights agenda, focusing on protecting women and girls from harmful practices. The Children Act of 2001 provided a legal basis for prosecuting FGM/C cases involving minors, though enforcement remained a challenge, particularly in rural areas like Kuria, where local authorities were often complicit or indifferent Sampson, Fiona (2010):53.Similarly, Tanzania passed the Sexual Offences Special Provisions Act in 1998, which outlawed FGM/Cfor girls under the age of eighteen. Despite these legal advancements, enforcement remained weak in both countries, particularly in the Kuria borderlands. Communities continued to practice FGM/C covertly, often crossing borders to evade local authorities Fiona Sampson ; 89.

The Kuria community's location along the Kenya-Tanzania border presented unique challenges for efforts to control and eradicate FGM/C. Families on both sides of the border would often cross into the neighbouring country to circumcise their daughters, exploiting legal and jurisdictional gaps between the two nationsMaina Ahlberg (2009) This cross-border movement frustrated law enforcement efforts, as community members would simply relocate to evade arrest or prosecution. The requisite coordination at a transnational level was lacking, often limited by logistical and political challenges.

One of the most significant challenges in curbing FGM/C among the Kuria people arises from the jurisdictional complexities between Kenya and Tanzania. Each country has its legal framework and enforcement mechanisms, which often do not align or operate in a coordinated manner. For instance, while both countries have outlawed FGM/C, enforcement varies between the two nations Republic of Kenya (2009).Kuria families have been known to cross the border to escape legal penalties, moving girls from Kenya to Tanzania or vice versa to avoid prosecution Fiona Sampson (2010): 53. The porous nature of the border, where communities on both sides share the same cultural identity and traditional practices, makes it difficult for authorities in either country to monitor or

intervene effectively. This cross-border mobility allows the Kuria people to exploit legal gaps, undermining national efforts to combat FGM/C. The jurisdictional limitations of law enforcement in either country contribute to a culture of impunity, where offenders can avoid prosecution simply by relocatingNkoma, Jane(2007): 45.

FGM/C is deeply embedded in Kuria traditions (Shadle 2008). This shared cultural identity transcends national boundaries, making it difficult to implement region-specific interventions. Efforts by governments, NGOs, and international organisations to target FGM/C in Kenya, for instance, often face setbacks as families simply move across the border into Tanzania to continue the practice and vice versa. Unlike communities contained within a single country, the Kuria's cross-border identity means that efforts to eradicate FGM/C cannot be confined to a single jurisdiction. Cultural practices are not subject to political borders, and any meaningful intervention must recognise and address the shared identity of the Kuria people across both Kenya and Tanzania. However, achieving such cross-border cooperation and cultural sensitivity has proven difficult Republic of Tanzania (1998).The political and logistical challenges of coordinating anti-FGM/C efforts across national borders are also significant. Although Kenya and Tanzania both criminalise FGM/C, there is often little coordination between their respective law enforcement agencies and governments in dealing with cross-border cases Coalition on Violence Against Women (2008).

Efforts to create transnational anti-FGM/C frameworks or agreements between Kenya and Tanzania have often been undermined by bureaucratic inertia, differing political priorities, and resource constraints. Without strong collaboration between the two nations, the Kuria people are left in a position where they can exploit the legal and political differences to perpetuate the practiceShell-Duncan, Bettina, Ylva Hernlund (2000). Among the Kuria, traditional authorities and community elders wield significant influence, often more so than state officials. These elders are the custodians of cultural practices, including FGM/C, and they often resist external interference from both the Kenyan and Tanzanian governments. Their authority is not confined by national borders, and they often use their cross-border networks to sustain the practice of FGM/C within the communityGalaty, John G (2011) 353–370.

State efforts to engage or co-opt traditional authorities in anti-FGM campaigns have met with limited success, as these elders are often deeply invested in preserving the cultural significance of FGM/C. Furthermore, the presence of external actors, such as NGOs or international organisations, is sometimes perceived as a threat to Kuria cultural autonomy, leading to heightened resistanceMoghadam, Valentine M(2005). The cross-border nature of the Kuria community only exacerbates this challenge, as traditional leaders can operate in multiple jurisdictions, further complicating government interventions.

The fragmentation of efforts to combat FGM/C among the Kuria people is another challenge that stems from their cross-border existence. While some factions within the community may be willing to abandon the practice due to increased awareness of its health risks or external pressure, others remain staunchly committed to preserving itNjambi, Wairimu (2018). In some cases, communities on one side of the border may be more responsive to anti-FGM/C messages, while those on the other side remain resistant, further complicating efforts to foster collective cultural transformationJohnson, Margaret, Leah B. Ndeda (2019) 120–142.

2. Conclusion

Various strategies have been implemented to address cross-border FGM/C among the Kuria community in Kenya and Tanzania. Both governments, together with anti-FGM/C activists, have initiated joint efforts to curb this practice, which persists despite legal prohibitions and awareness campaigns. Border surveillance has been increased, especially during school breaks, when incidence of FGM/C typically surges. These efforts have included arrests, monitoring of known circumcisers, and detaining parents who facilitate the practice. For instance, the Kenyan government's initiatives, supported by local officials and activists, have seen handful ofparents prosecuted, with some girls testifying against their own families in court.

Both countries have for years participated in a regional framework designed to eliminate cross-border FGM/C, bringing together East African nations in a cooperative action plan that emphasises enforcing legal commitments, community education, and behavioural change campaigns targeting Kuria elders and community leaders. Anti-FGM/C advocates continue to run behaviour-change programmes, some focused on educating men and elders about the risks and illegality of FGM/C. While legislation is essential, enforcement challenges necessitate community buy-in, which is best achieved through dialogue and awareness-raising. A combined approach – strengthening community-based efforts, enhancing cross-border cooperation, supporting survivor advocacy, and integrating anti-FGM/C education into national curricula – offers the most sustainable path to eliminating the practice. This collective action aims to close loopholes that previously allowed perpetrators to cross borders undetected. The Kenyan government, on its side, has demonstrated a strong political will to eliminate the practice, including establishing a dedicated the state as well as the Anti-FGM body to oversee efforts to tackle the problem. The government has formulated a range of evolving strategies and policies in partnership with local, national, and international organisations and has targeted communities where FGM/C prevalence remains high. [In 2019, for example, the government adopted a revised National Policy for the Eradication of FGM and former president Uhuru Kenyatta committed to end the practice by 2022 To date, the practice is steadily on the decline.

On the other hand, in Tanzania, FGM/C violates the right to life in extreme cases when the practice results in death. The state has to ensure that this right is upheld by providing legal mechanisms to prohibit practices such as FGM/C that undermine this fundamental human right.[2] As mentioned earlier, the practice of FGM/C also undermines the right to protection against cruel, inhumane, or degrading treatment. The Tanzanian constitution(1977) protects the right of women to be free from cruel, inhumane, or degrading treatment. But it does not directly provide for the prohibition of harmful practices IG Shivji (2004)179. The absence of a constitutional provision against harmful practices is contrary to Tanzania's international and regional commitments in terms of human rights. The only way that this right is given effect to is through the Children Act that explicitly makes prohibition clearLaw of the Child Act, (2009).The Children's Act of Tanzania (2009) is a comprehensive law safeguarding the rights and welfare of children, emphasizing equality, protection, and development. It guarantees children's rights to life, identity, education, and healthcare while prohibiting harmful practices like FGM/C, child marriage, and exploitative labour..

CBOs and CSOs too play a vital role in facilitating cross-border coordination to address jurisdictional challenges, provide economic alternatives to former circumcisers, and support survivors with medical and psychosocial care. Through community-led initiatives, these organizations empower locals to champion change, working with elders,

religious leaders, and policymakers to create sustainable solutions rooted in education, advocacy, and cultural transformation.

With increasing global advocacy and local awareness, there is cautious optimism that progress can be made in curbing the practice. However, deeply entrenched cultural traditions and the exploitation of legal and enforcement gaps in border regions remain significant obstacles. Without innovative and inclusive strategies, these challenges may continue to undermine efforts to eliminate FGM/C.

In sum,my recommendation is that Kenya and Tanzania should work together to align their anti-FGM/C laws and ensure consistent enforcement in border areas. Regional organisations and governments should establish joint task forces for surveillance, prosecution, and education on FGM/C; introduce culturally sensitive alternatives that uphold traditions without physical harm, supported by community and religious leaders; utilise mobile apps and digital platforms for education, reporting, and advocacy, ensuring they are accessible in rural areas; and finally, focus on grassroots initiatives that involve men, women, and youth as change agents to challenge the socio-cultural roots of FGM/C.

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