

**COMMUNITY ELDERS INVOLVEMENT IN RESOLVING LAND
CONFLICTS IN KENYA: CASE OF NAKURU COUNTY, KENYA, 1998 –2008**

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DECLARATION

This Thesis is my original work and has never been presented for award of degree at any other University or for any other degree.

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DEDICATION

I dedicate this project to my family, my lecturers and my children

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I wish to express my sincere thanks to the Almighty God for enabling me to acquire strength and determination to complete the preparation of this project. I also wish to express my appreciations to my supervisor Dr. Felistus Kinyanjui and Dr. Boniface Muoka for supporting me and guiding me to complete this work within the required time. My appreciations also go to my lecturers from Kenyatta University who played a major role in imparting intellectual knowledge to me and preparing me for academic work. Finally, I wish to acknowledge my parents, my wife and my children for their understanding during the period I was engaged in this exercise. May God bless you all.

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENTS	iv
LIST OF TABLES	xi
LIST OF FIGURES	xiii
ACRONYMS AND ABBREVIATIONS	xv
DEFINITION OF OPERATIONAL TERMS	xvi
ABSTRACT	xviii
CHAPTER ONE: INTRODUCTION	1
1.1 Background to the Study	1
1.2 Statement of the Problem	4
1.3 Objective of the Study.....	5
1.3.1 General Objective.....	5
1.3.2 Specific Objectives.....	5
1.4 Research Questions.....	6
1.5 Research Premises/Assumption.....	6
1.6 Justification and Significance of the Study	6
1.7 Scope of the Study	9
1.8 Limitations and Delimitation of the Study	9
CHAPTER TWO: LITERATURE REVIEW	11
2.1 Introduction	11

2.1 Review of Related Literature	11
2.1.1 The Role Played by Elders of the Community in Resolving Conflicts Related to Land	11
2.1.2 The Effectiveness of Elders of the Community in Resolving Land-Related Conflicts	21
2.1.3 Various Ways of Strengthening the Role Played by Elders of the Community in Resolving Land-Related Conflicts.....	36
2.2 Theoretical Framework.....	45
2.3 Conceptual Framework	47
CHAPTER THREE: RESEARCH METHODOLOGY	49
3.1 Introduction	49
3.2 Research Design	49
3.3 The Study Area	49
3.4 Target Population.....	50
3.5 Sample Size	50
3.6 Sampling Techniques	51
3.7 Data Collection Instruments	53
3.7.1 Validity	54
3.7.2 Reliability.....	54
3.8 Data Collection Techniques and Procedures	55
3.8.1 Secondary Data	55
3.8.2 Semi-structured Questionnaires	56
3.8.3 Focus Group Discussion	56
3.8.4 In-depth Interviews (IDI).....	57
3.9 Data Analysis.....	57
3.10 Ethical Considerations	58

CHAPTER FOUR: FINDINGS, DATA ANALYSIS AND DISCUSSIONS.....59

- 4.1 The Background Information59
 - 4.1.1 Socio-Demographics of the Respondents59
 - 4.1.2 Gender of the Respondents59
 - 4.1.3 Age of the Respondents61
 - 4.1.4 Education Level.....62
- 4.2 The Role Played by Elders of the Community in Resolving Conflicts Related to Land in Rongai Sub-County between the years 1998 and 200864
 - 4.2.1 The Level of Agreement on the Role of Elders in Resolving Land-Related Conflicts in Rongai Sub-County According to the Views of Elders from different Ethnic Community64
 - 4.2.2 The Elders are able to intervene in Conflicts in Rongai Sub-County65
 - 4.2.3 The Elders are able to Resolve Land Conflicts in Rongai Sub-County66
 - 4.2.4 The Elders are able to Resolve Political Conflicts only in Rongai Sub- County67
 - 4.2.5 The Elders are able to Resolve Ethnic Related Conflicts on in Rongai Sub-County69
 - 4.2.6 The Elders are able to Resolve Conflicts Related to Political Matters in Rongai Sub-County.....70
 - 4.2.7 The elders are able to resolve conflicts related to customs in Rongai Sub-County71
 - 4.2.8 The Elders are able to Solve Conflicts Related to Marriage Conflicts in Rongai Sub-County.....71
 - 4.2.9 The Elders are able to Solve Illegally Acquired Land Conflicts in Rongai Sub-County72
 - 4.2.10 The Elders are not able to Resolve Land Conflicts in Rongai Sub-County..73
 - 4.2.11 The Elders are not able to Resolve Conflict Raised by Illegally Acquired Land Conflicts in Rongai Sub-County73
 - 4.2.12 Elders are able to resolve all Land-Related Conflicts in Rongai Permanently74

4.2.13 Elders in Rongai are able to Resolve Land Conflicts for a Temporary Period Only.....	75
4.2.14 Elders in Rongai are Respected by all Communities in Rongai Sub- County therefore they can Resolve Conflicts among all Communities	76
4.3 The Effectiveness of Elders of the Community in Resolving Land Conflicts Related to Land in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008	80
4.3.1 Elders in Rongai are Respected by all Communities in Rongai Sub-County therefore they can Resolve Conflicts among all Communities	81
4.3.2 Kalenjin Elders in Rongai Sub-County can solve land-related conflicts effectively only among the Kalenjin residents’ communities	81
4.3.3 Kikuyu Elders in Rongai Sub-County can Resolve Land Conflicts among the Kikuyu Communities Only.....	82
4.3.4 Kikuyu Elders in Rongai Sub-County are able to Resolve Only Conflicts Related to Inter-Community Conflicts.....	83
4.3.5 Elders from both Communities namely the Kikuyu and Kalenjin Communities in Rongai usually hold meetings to Discuss Matters affecting Land Problems	84
4.3.6 Elders from Rongai Sub-County Work Together with Government Officials to Resolve Land Conflicts in Rongai Sub-County.....	85
4.3.7 Elders in Rongai Sub-County don’t have Ability to Solve Land-Conflicts among Communities in Rongai Effectively	86
4.3.8 Effectiveness of Community Elders in Resolving Land-related Conflicts.....	90
4.4 Strengthening the Role Played by Elders of the Community in Resolving Land-Related Conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008	92
4.4.1 Elders in Rongai Sub-County can be trained to Solve Land-Related Conflicts more effectively	93
4.4.2 Elders can be more effective in Land Conflict Resolution if they get support of Government Administrators	93

4.4.3 Elders can be assisted in resolving Land-Related Conflicts through joint meetings arrange by Government Administrators94

4.4.4 Elders in Rongai Sub-County should be supported by the Civil Society by providing adequate training in Conflict Resolution Methods95

4.4.5 Elders in Rongai Sub-County should get training from Churches in Conflict Resolution on Land-Related Matters95

4.4.6 Elders should work with Church leaders in Resolving Land-Related Conflicts in Rongai Sub-County96

4.4.7 Community Elders should involve School Head-Teachers in Resolving Land-Related Conflicts in Rongai Sub-County97

4.4.8 Community Elders should work with Government Leaders in solving issues in Rongai Sub-County98

4.4.9 Elders in Rongai Sub-County should be supported by the National Government Administrators in Resolving Land-Related Issues.....98

4.4.10 Community Elders should be given a formal forum for Resolving Land-Related Conflicts in Rongai Sub-County99

4.4.11 Community Elders in Rongai Sub-County should not be given any support by the Government in Resolving Conflicts in Rongai Sub-County..... 100

4.4.12 Land-Related Conflicts in Rongai should be resolved by the National Government 101

4.4.13 Land-Related Conflicts in Rongai should be resolved by the County Government because of their Complexity 101

4.5 Conclusion 105

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

..... **107**

5.1 Introduction 107

5.2 Summary of findings..... 107

5.3 Conclusions 110

5.4 Recommendations.....	111
5.5 Suggestions for Further Research.....	112
REFERENCES.....	114
APPENDICES.....	120
Appendix I: Consent Form.....	120
Appendix II: An Interview Schedule.....	122
Appendix III: Research Questionnaire.....	124
Appendix IV: Focus Group Discussions Schedule.....	127
Appendix V: Graduate School Authorization Letter.....	128
Appendix VI: Research Authorization from National Commission for Science, Technology, and Innovation.....	129
Appendix VII: Research Permit from National Council for Science, Technology, and Innovation.....	130
Appendix VIII: Map of Nakuru County showing Rongai Sub-County.....	131
Appendix IX: Map of Rongai Sub-County.....	132

LIST OF TABLES

Table 3.1: Sampling Frame.....	52
Table 3.2: Sample Size for the FGDs.....	52
Table 3.3: Sample Size for the In-depth Interviews.....	53
Table 4.1: The elders are able to intervene in conflicts in Rongai Sub-County.....	66
Table 4.2: The Elders are able to Resolve Political Conflicts only in Certain Situations	67
Table 4.3: The Elders are able to Resolve Conflicts Related to Political Matters in Rongai Sub-County.....	70
Table 4.4: The Elders are able to Solve Conflicts Related to Marriage Conflicts in Rongai Sub-County.....	72
Table 4.5: The elders are not able to Resolve Land Conflicts in Rongai Sub- County ..	73
Table 4.6: Elders are able to resolve all Land-Related Conflicts in Rongai Permanently	75
Table 4.7: Elders in Rongai are Respected by all Communities in Rongai Sub-County therefore they can Resolve Conflicts among all Communities	81
Table 4.8: Kalenjin Elders in Rongai Sub-County can Solve Land-Related Conflicts Effectively only among the Kalenjin Residents' Communities	82
Table 4.9: Elders from both Communities namely the Kikuyu and Kalenjin Communities in Rongai usually hold Meetings to Discuss Matters affecting Land Problems.....	85
Table 4.10: Elders in Rongai Sub-County don't have Ability to Solve Land -Conflicts among Communities in Rongai Effectively	87
Table 4.11: Elders can be more effective in Land Conflict Resolution if they get support of Government Administrators	94
Table 4.12: Elders in Rongai Sub-County should be supported by the Civil Society by providing adequate training in Conflict Resolution Methods	95
Table 4.13: Elders should work with Church leaders in Resolving Land-Related Conflicts in Rongai Sub-County.....	96

Table 4.14: Community Elders should work with Government Leaders in solving issues in Rongai Sub-County.....	98
Table 4.15: Community Elders should be given a formal forum for Resolving Land-Related Conflicts in Rongai Sub-County	99
Table 4.16: Land-Related Conflicts in Rongai should be resolved by the National Government	101

LIST OF FIGURES

Figure 2.1: Conceptual Framework.....	48
Figure 4. 1: Gender of the Respondents	60
Figure 4. 2: Age of the Respondents	61
Figure 4. 3: Education level of the respondents.....	63
Figure 4. 4: Showing the Level of Agreement on the Role of Elders in Resolving Land-Related Conflicts in Rongai Sub-County According to the Views of Elders from different Ethnic Community	65
Figure 4. 5: The elders are able to resolve land conflicts in Rongai Sub-County	66
Figure 4. 6: The Elders are able to resolve Ethnic Related Conflicts on in Rongai Sub-County	70
Figure 4. 7: The Elders are able to solve Conflicts Related to Customs in Rongai Sub-County	71
Figure 4. 8: The Elders are able to Solve Illegally Acquired Land Conflicts in Rongai Sub-County.....	72
Figure 4. 9: The Elders are not able to Solve Land Grabbing Conflicts In Rongai Sub-County	74
Figure 4. 10: Elders in Rongai are able to resolve land conflicts for a temporary period only.....	76
Figure 4. 11: Elders in Rongai are respected by all communities in Rongai Sub-County therefore they can resolve conflicts among all communities	78
Figure 4. 12: Kikuyu Elders in Rongai Sub-County can Resolve Land Conflicts among the Kikuyu Communities Only	83
Figure 4. 13: Kikuyu Elders in Rongai Sub-County are able to Resolve Only Conflicts Related to Inter-Community Conflicts.....	84
Figure 4. 14 Elders from Rongai Sub-County Work Together with Government Officials to Resolve Land Conflicts in Rongai Sub-County	86
Figure 4. 15: Elders in Rongai Sub-County can be trained to Solve Land-Related Conflicts more effectively	93

Figure 4. 16: Elders can be assisted in resolving Land-Related Conflicts through joint meetings arrange by Government Administrators94

Figure 4. 17: Elders in Rongai Sub-County should get training from Churches in Conflict Resolution on Land-Related Matters96

Figure 4. 18: Community elders should involve school head-teachers in resolving land-related conflicts in Rongai Sub-County97

Figure 4. 19: Elders in Rongai Sub-County should be supported by the National Government Administrators in Resolving Land-Related Issues.....99

Figure 4. 20: Community elders in Rongai Sub-County should not be given any support by the government in resolving conflicts in Rongai Sub-County.....100

Figure 4. 21: Land-Related Conflicts in Rongai should be resolved by the County Government because of their Complexity102

ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
FGM	Female Genital Mutilation
IDI	In-depth Interview
FGD	Focus Group Discussion
KNA	Kenya National Archives
NSJS	Non-State Justice System
NACOSTI	National Council for Science and Technology
SPSS	Statistical Package for Social Sciences
TJS	Traditional Justice System

DEFINITION OF OPERATIONAL TERMS

- Community Elders:** it is group comprising leaders and in most cases senior members of the society who have demonstrated the ability to handle community matters and are commonly consulted for advice and direction on key community issues.
- Development:** it is altering the landscape in some ways such as changing landforms from a natural or semi-natural state for purposes such as agriculture or housing. It can also refer to the subdividing of a real estate into lots, typically for building homes. It involves using the land productively to boost the economy and bring socio- economic growth
- Elders:** these are people who have authority because of age and experience to preside over issues within the society
In this study, an elder was anyone who assumes responsibilities concerning the administration of the whole clan after passing all the set rites as per the requirements and norms of the community.
- Land-Related Conflict:** it refers to a disagreement, a contest, an argument, a dispute or quarrel, a struggle, battle or confrontation; a state of unrest, turmoil, or chaos over land. In Rongai Sub-County conflicts of different types occur originating from land issues.

Resolution: this means knowing when to approach and when to avoid an ethnic conflict and understanding the issues around which it revolves with the objective of finding and facilitating a peaceful end, and a situation that will deter the conflict from happening in future. This is seen in solving of different conflicts in African communities

Traditional Justice Systems: it refers to all those processes and local approaches that societies innovate and use in resolving localized disputes, to attain wellness, and access to justice. This symbolized by *Njuri Ncheke* courts in in Meru and the *Gacece* traditional courts in Rwanda

ABSTRACT

Since independence, land disputes have been a major source of conflict in Kenya. Land disputes have an ethnic component. Land conflicts can even arise amongst members of the same family or clan. Between 1998 and 2008, this study looked at the role of community elders in resolving land issues in Kenya, specifically in Rongai Sub-County, Nakuru County. The study's particular goals were as follows: to investigate the role played by the community elders in resolving land conflicts in Rongai Sub-County, to assess the effectiveness of community elders in resolving land conflicts in Rongai Sub-County, and to examine ways of strengthening the role of community elders in resolving land-related conflicts. The study was guided by the theory of protracted social conflict and social capital theory. Descriptive survey research design guided the study. Nakuru County was picked purposively due to the violent clashes that have occurred in the area in the past. Rongai Sub-County was randomly selected from all the sub-counties in Nakuru County. A total of 151 participants were selected out of 500 entities for the study using a simple random method. Quantitative data was collected using semi-structured questionnaires while Focused Group Discussions (FGDs) and In-Depth Interviews (IDIs) were used to collect qualitative data. Quantitative data analysis was done using SPSS version 22.0. This software allowed the researcher to generate the statistics which were represented in form of tables, graphs, pie charts and lastly regression. Qualitative data from IDIs and FGDs was cleaned and coded into the Nvivo Software Version 10.0 using emerging themes which identified repetition of the expressed opinions on the questions. The analysis was then done based on key patterns, insight, and associations which triangulated and validated the information. The study indicated that majority of the respondents (96%) felt that the elders played the role of offering a quick conflict resolution. Another (44%) felt that elders play a significant role in the mediation of land-related matters. A total of 151 respondents felt that elders were effective in conflict resolution by offering a quick conflict management mechanism. On the other hand, strengthening the role played by elders included training, getting support from government administrators, joint meetings arranged by government administrators and support by the civil society in providing adequate training on conflict resolution methods. In addition to that, the roles played by elders were also supplemented by training from churches on conflict resolution pertaining land-related matters, involving school head-teachers, working with government leaders and Elders given a formal forum for resolving land-related conflict. The researcher recommended that the institutions should support elders in addressing land conflicts. The government should support community in form of official recognition and financial backing. Politicians should be urged to refrain from ethnic slamming that could lead to ethnic clashes in Rongai Sub-County foster peace within the area.

CHAPTER ONE: INTRODUCTION

This chapter presents the back ground to the study, the statement of the problem, the study objectives, the research questions, justification and significance of the study, the study scope, and the limitations of the study.

1.1 Background to the Study

The role played by elders onwards in conflict resolution has been recognized internationally in developing countries. Traditional dispute mechanisms in conflict resolution have been realized over time with scholars observing that courts only deal with a fraction of all the disputes that take place in the society (Bob, 2010). Conflicts involving communities do not reach the courts. They are resolved through informal negotiations by the disputants. The method of resolving disputes by traditional methods is acceptable throughout all countries in the World. All societies and communities of the world are affected by disputes which cannot be resolved by the judicial system hence the importance of the traditional methods in filling the gap. Nepali maxim, argues that 'where there is L (land), there is C (Conflict).' Some of the mechanisms that are used for conflict resolution are ordinarily conveyed to form a network among the elders, police, and courts.

Over the past decades, there have been clashes in various parts of the world that are instigated by land conflicts (Abdul, 2015). The disputes are not new as they date back to the nineteenth and twentieth century—example, the Balkan wars as well as the wars that followed the disintegration of the Ottoman and Habsburg domains (Collier & Hoeffler,

2004). The studies explain how well the traditional mechanisms which include the involving of elders have been used to solve disputes in relation to the current study.

African has seen an increase in land conflicts since the 1950s due to the growing population. Different states experienced extended land-related clashes that followed after their independence. Although the conflicts were political, the land issue cannot be left out. The wars were observed mainly in Algeria, Burundi, Chad, Cote D'Ivoire, Congo-Brazzaville, Zaire, Ethiopia, Eritrea, Guinea-Bissau, Liberia, Mali, Mauritania, Morocco, Niger Republic, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Uganda, and Zimbabwe (Murshed & Tadjoeeddin, 2009). The land conflicts rose at around 1994 in most of these countries. Allen & Macdonald (2013) observe that the post-colonial era in Africa has witnessed manipulation and disintegration of land identities and groups, thus making the state central to the dynamics of conflicts. Although land-based violence was noted in other places in the world, Africa stands out as the continent with the most prevalent of the cases in the entire world (Baker, 2010).

Beyene (2007) indicates that the high success rate of high dispute resolution rates has been shown; despite weaknesses revealed that other types of third parties, such as the United Nations, in this respect, of large-scale studies on international dispute arbitration between 1945 and 1990 failed half the high level of intervention attempt (55%) failed. Interventions can be considered successfully when creating a significant and positive difference in subsequent interactions between conflict management and parties. On the other hand, mediation arbitration is defined as it occurs when it is reported in advance to

the behaviour of the litigant part. However, as the society moves to modernization and civilization, the general way of resolution of conflict resolution (modern legal system) is a key choice that traditional practices have a second place in relation to the official justice system.

Most African communities are homogenous and have various socio-demographic characteristics. Multi-land populations with varying socio-demographics are known to apply the rule of lenity in dispute resolutions. The rule requires the court or the dispute resolution members to enforce ambiguous or unclear laws in a way in which best suits the defendant. The countries mentioned above, therefore, have been moving towards the use of the Elders in conflict management and resolution mechanism as a way to address the issues. This study however employed the same mechanisms in the area of Rongai Sub County in relation to the current dynamics of conflict.

The past governance regimes in Kenya that date back to the past two decades were characterized with rewards in the form of land as a token for political loyalty. Bond (2014) notes that the land problem in Kenya dates back to the colonial period and it has been advanced over the years due to the application of the rule of lenity within the country. The most notable land clashes in Kenya were on the coast and the rift valley in the 1990s (Kegoro, 2012). The elders have played a significant role in solving these conflicts as compared to the judicial systems which appeared to be compromised over the period. There have been various interventions to solve land-related conflicts through fact-finding missions in areas which are hard hit as well as peace building initiatives. The use of the contemporary/western methods of conflict resolution for the land-related

conflicts does not work well especially in solving clashes that involve community-owned land. The role of the elders in the land conflict resolution has proven to be the best alternative in some parts of the country.

The country is, therefore, moving towards the use of this conflict management and resolution mechanism as a way to address the issue. Despite the role that the traditional conflict management and resolution mechanism has played in many parts of the world and the country as well, there are limited studies on the community elder's involvement in land-related conflicts in Kenya. Lack of studies translated to a knowledge gap. The study, therefore, sought to address the data gap in the country and more precisely in Nakuru County.

1.2 Statement of the Problem

This conflict between various Rongai communities has been occurring for time. During these conflicts elders in the community have been the main source of providing the justice system. The period of 2009 and 1996, witnessed inter-clan conflicts among various Rongai communities which were so intense. This resulted in many human and non-human disruption. In the solving of the multiple disputes, a resurgence of interest in native methods has been witnessed in recent years. The Rongai community has such an institution for elders who traditionally are given the task of resolving the conflict. To address the land-related conflicts, formal legal system has been emphasized and traditional dispute resolution mechanism has been neglected. One such example of traditional dispute resolution mechanism is the use of community elders. It is in this

regard that this study sought to interrogate the role played by community elders in resolving conflicts related to land in Rongai Sub-County between the years 1998 and 2008, assess the effectiveness of elders of the community in resolving land conflicts related to land in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008 and examine various ways of strengthening the role played by elders of the community in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.

1.3 Objective of the Study

1.3.1 General Objective

The general objective of the study was to assess the role played by the elders in the community in resolving matters related to land conflicts in Rongai Sub-County, Nakuru County Kenya.

1.3.2 Specific Objectives

- i. To determine the role played by elders of the community in resolving conflicts related to land in Rongai Sub-County between the years 1998 and 2008.
- ii. To assess the effectiveness of elders of the community in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.
- iii. To examine various ways of strengthening the role played by elders of the community in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.

1.4 Research Questions

- i. What is the role of community elders in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008?
- ii. How effective are the community elders in resolving land conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008?
- iii. In which ways can the role of community elders in resolving land conflicts be strengthened in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008?

1.5 Research Premises/Assumption

- i. Elders of the community played greater role in resolving conflicts related to land in Rongai Sub-County between the years 1998 and 2008.
- ii. Elders of the community were effective in resolving land conflicts related to land in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.
- iii. There were various ways of strengthening the role played by elders of the community in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.

1.6 Justification and Significance of the Study

The role of community elders within the society has been down played and not exploited by the government for a long time especially in Nakuru County. Most issues affecting communities are usually handled at community level or between families. Not all conflicts reach the courts of justice as they would overwhelm the courts. The main reason as to why the study picked the elders is because this is a group of individuals who

have been given the mandate by the community by the virtue of being accorded respect and age of handling conflict within the community. Being the alternative dispute resolution mechanism as in the case of *Njuri ncheke* of the Ameru people, Luo council of Elders and Kaya elders. Therefore, the elder of Rongai Sub County commands a lot of respect as they have been involved in conflict management and other issues affecting the society. In this regard there was need to research on the community elder's involvement in resolving land conflict in Kenya arose with the objective of coming up with recommendation on how well elders can be used.

Most of the studies that have been conducted have mainly focused on the root cause and reconciliation of the communities while leaving a gap in the role of elders in creating peace. For example, Cherutich (2016) asserts that the role of elderhood in conflict management has restored sustainable peace in Rongai Sub County, Nakuru County. His study however did not focus on the actual composition of elders and the methods the elders were using in managing the land-related conflict. Also, his work focused on the elderhood as an institution while this study posited on how, why and when elders are involved in land-related conflicts. Besides his great contribution towards the conflict in Rongai Sub County, Nakuru County, his main focus was on ethnic conflict management while this study sought to look at the role of elders in solving land-related conflict management.

This study was carried between 1998 and 2008 which experienced a period land-related conflict in the area of study. In 1998 marked the period in which Nakuru District, Kuresoi and Rongai had a hotly contested general election which involved those supporting KANU and Democratic Party (DP). By this time at least eighty people had been killed and thousands displaced, adding to the already large number of internally displaced people in Kenya. When a furious Kibaki and DP MP Kimani urged Kikuyu to arm themselves and fought back if attacked, they were immediately assailed by KANU hawks for inciting violence. In the year, 2008 the most significant number of internally displaced people was experienced in Kenya due to post-election violence (Mulikuza, 2015).

The government of Kenya should exploit the role and importance of community elders in resolving land-related matters which have been blamed on politics as their primary cause (Bollig, 2010). Land conflicts affect many communities in Kenya and sometimes expand or become violent. This study is significant in that it will assess the ways in the elders can play a major role in resolving land conflicts in Kenya. The study will contribute to the intellectual knowledge for academic advancement in conflict resolution matters. The study will recommend policies which can be adopted by the government and other organizations to support the community elders in resolving the land conflicts.

1.7 Scope of the Study

This research was study was undertaken in Rongai Sub-County - Nakuru County, Kenya. The area was selected because off the frequent conflicts which occur there. During these conflicts, the formal justice systems have failed to intervene in solving them. The ever-recurring land conflicts have occurred in Kenya in many forms particularly in Nakuru County (Muigua, 2014). Many conflicts take place between individual parties (for instance boundary conflicts between neighbors), inheritance conflicts in families, and conflict over the use of a given piece of land. The disputes are relatively easy to solve. Battles that include many parties such as group intrusion or evictions of entire settlements are more challenging to deal with. The study covered the period between 1998, to 2008. The violence made it a priority to understand the root causes and dynamics of conflict related to land. The 'Kenya National Dialogue and Reconciliation' process identified land reform as key to long-term peace and reconciliation. The dialogue proposed 'Truth, Justice and Reconciliation Commission' to examine historical land injustices, and the illegal or irregular acquisition of land, primarily as these relate to conflict or violence complete the sentence. The study, therefore, looked at the role of community elders in addressing these conflicts.

1.8 Limitations and Delimitation of the Study

This research study experienced many limitations as it was sensitive in nature. The Limitations were brought about by the nature of the conflict which is based on ethnic differences, political influence on the conflicts and sometimes the personalities involved in igniting the conflicts. The limitations were overcome by reassuring the participants

that the study was being carried out for academic purposes only and that no the information provided would be kept confidential. A second limitation was experienced by the researcher on the language which made it hard for researcher to communicate with the communities in the conflict area. The limitation was overcome by employing research assistants from the different communities living in Rongai area. Some of the respondents especially the elders were either illiterate or semi-literate. The researcher addressed the challenge since he was competent in both Kiswahili, English and one of the major languages spoken in the area. The researcher also sought the assistance of a research assistant who were skilled in the local dialects.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

The section highlights the review of different literature on land as a resource, land as a source of conflict and ways of the resolution, global, Africa, and Kenyan overview of the role of elders in resolving land-related disputes.

2.1 Review of Related Literature

This section focuses on the Land as a resource and a source of conflict, Communities Elders and Land Conflicts in Rongai, Community Elders and Conflict Resolution in Kenya, the success of Elders in Land Conflict solving and strengthening the role of community elders in resolving land-related conflicts.

2.1.1 The Role Played by Elders of the Community in Resolving Conflicts Related to Land

Moore (2014) posits that sometimes, conflicts arise because of differences in ways of sharing the income that is generated from the land and the transfer rights as well as compensation from the land. Sudarmo (2016) holds that in some countries such as China, there is a rapid growth of population and expansion of urban centers. The issue has led to conflicts of land since people are seeking land for agricultural production while others are looking for a space to put up residential or commercial buildings (Beyene, 2007). The issue results in land-related conflicts due to the conflicting interests on how to control the land property. Mulikuza (2015) for the community-owned land; there are different issues since the community cannot quickly come into a

consensus on how to invest on the land or ways of sharing the income that the land generates. In some countries, there are government controls on how to use the land as well as restrictions on subdividing the land (Alemie & Mandefro, 2018). These studies were conducted outside Kenya and therefore the current study dealt with role of elders in managing the conflict at the local level.

Communities across the world acknowledge the importance of land as an essential resource of production (Kegoro, 2012). Despite the need for land by every member of a given community, it is hard to reach a consensus on how to use land in most cases (Pkalya *et al.*, 2004). Land as a resource calls for proper management, which depends on the inputs of different actors such as the community as well as their elders. It is important to note that land is one of the essential resources that communities rely on for their livelihoods. In most cases, there is a lack of consensus on how to share and to use the land among the community members (Lahunou, 2016). As a result, the community and the government have devised different ways in which they can reach an agreement on how to share and use land. However, this study focused on the role of elders in conflict management which was not exhaustively tackle.

While land-related conflicts have been there, it is vital to note that the modern world is characterized by a high land demand, which has led to land subdivisions (Hagmann, 2006). The land subdivisions and the diminishing fertile land for farming are among the contributing issues to land-related disputes. While people are conflicting on ways to solve conflicts on how to control and share land resources, governments in many

states have come up with legislation to address the concerns (Muigua, 2014). However, most of the formal land dispute resolution procedures are lengthy and costly. These factors usually encourage disputants to seek the intervention of elders to solve the issues since they offer quick and cheap modes of conflict resolution (Kegoro, 2012). For the land which is owned by the community, elders provide an easy way in which the people can effectively share and utilize the resources for the benefits to all the people. According to Mworira & Ndiku (2012) whether the land belongs to the government or not, much of the decisions on how it can be shared and utilized lies within the community members since they are the custodians of the natural resources. The above researches were conducted but did not give the specific causes of the land problem and how the elders have solved it.

Elders have been in the forefront when it comes to solving land-related conflicts in many developing countries. For instance, in a study which was done on the role of elders in South Africa, Phuthego & Chanda (2004) acknowledge that the communities in the country embrace elders when it comes to dispute management and resolution. The authors maintain that the country has a pluralistic legal system. The system thus considers the traditional norms and practices as well as the customary laws. Conflict resolution in the country, therefore, relies on both formal and informal networks. The informal systems rely on judges who use their traditional knowledge rather than formal training or schooling (Chirayath *et al.*, 2005). Also, the elders' form of dispute resolution does not rely on any recording of the proceedings or presentation of the legal procedures. Phuthego & Chanda (2004) argue that the primary goal of elders in

dispute resolution is that it focuses on the attainment of social equality rather than punishing the offenders. In land-related conflicts, elders aim at attaining a form of social equilibrium. The role of the elders is, therefore, pivotal towards the well-being of the community. Moumakwa (2011) holds that the traditional system of dispute resolution through elders was stronger before colonialism of South Africa. The country used elders in resolving all conflicts and disputes. After the occupation of the country by the white people, the Black Administration Act (1927) was enacted. Although the Act does not create a form of a court that is traditional, it permits both criminal and civil abilities to be bestowed upon elders who apply customary law in resolving disputes. The study helped the current research in identifying the role of elders in land conflict management.

Further, the use of elders in resolving conflicts in Africa has been shown in Rwanda. The Rwanda informal system of dispute resolution known as gacaca has been used over centuries now (Clark, 2010). The system has a role of instilling harmony among family members as well as punishing people who are found guilty of any wrongdoing. The institutionalized gacaca punishes the people who committed any form of misconduct during the country's period of genocide (Clark, 2010; Mutisi, 2009). The dispute resolution within gacaca involves the elderly members of the community as well as young people from both genders who have been incorporated in the system in the contemporary world. There is a profound realization of the role of elders in solving disputes in Rwanda and thus the incorporation of larger segments of the population to address issues which could otherwise pose a threat to their co-existence (Clark, 2010).

The study was done in Rwanda which has different context compared to Kenya where there has been an historical land-related problem which the current study wants to establish.

Variations in personal goals, interests, and values are the primary drivers of land-related conflicts (Berger, 2003). Conflicts occur within the smaller units in the society, e.g., among family members, clan people, villages, or locations. Across the continent, different frameworks have been established to enhance conflict resolution (Wassara, 2007). The measures also mitigate the impacts of the conflicts and control the escalation, which could result in violence and loss of human lives. Land-related conflicts are the major threats to the well-being of the social ties within the community. Although there are formal ways of solving disputes, elders are used in many parts of the world as mediators of family members, clan members, or ethnic groups. In countries which do not formally recognize the elders, they still play a crucial role in solving conflicts through their resilience, which they have demonstrated over the years (Kariuki, 2015; Zehr, 2015). The study above insinuates on the general role of elders. Thus, the current study will give more lights on the problem of study.

Various scholars have also documented the role of elders in resolving land-related matters in Uganda. Mulikuza (2015) argues that most of the conflicts among the Acholi people of Uganda are between families, individuals, neighbors, and relatives. Sometimes land-related conflicts occur between the community and private investors. It is common for family members to get into land tussle due to land ownership,

disagreement about boundaries, and the right to access or use land (Bukari, 2013). Moore (2014) argues that Acholi have a land dispute resolution mechanism and family structure that comprise junior and senior members of the community. The significant conflicts among the population are mostly within households and outside villages. The work above did not focus on the land-related conflict in Nakuru County as the current study in Nakuru County but rather in Uganda which is a different situation.

The role of elders in Uganda is also highlighted by Chapman & Kagaha (2009) in their study. The authors acknowledge that elders play an essential role when it comes to land-related dispute resolution. Elders have a significant role in preventing actions that may lead to violations of law and order within the community. Through the use of their traditional judicial system, the elders ensure that peace and social justice prevail. Chapman & Kagaha (2009) note that societies which are far from the formal legal systems in the country are more likely to use elders in managing conflicts. The elders are easily accessible since they reside in all the villages. Land-disputes are common in the country, and apart from resolving the disputes, elders also perform cleansing which holds them together. Elders play an essential role in the community since unlike the judicial systems, the elders are transparent and less likely to be compromised (Mutisi, 2009). The work above helped in focusing on the land-related conflict as in the current study in Nakuru County.

In some traditional Kenyan community settings, the major types of conflicts are usually between squatters and landlords (Beyene, 2007). The Agiriama community of

Kenya relies on Kayas (council of elders) as a critical dispute resolution mechanism (Sudarmo, 2016). The elders have a role of solving the dispute and bringing justice within the community members (Mulikuza, 2015). Land-related conflicts are some of the conflicts that the elders resolve. The Kambi council of elders are mandated to address disputes that occur regularly (Moore, 2014; Gebre, 2001). On the other hand, the Vava is comprised of a few elders who are selected among the eldest members of the community to solve the most complex issues (Alemie & Mandefro, 2018). The significant roles of Vava among the Agiriama are to handle problems that affect the community. The council of elders' direct various matters such as planting, cultivation, and harvesting. The council of elders also preside over the judgment during conflict resolution and determine one's innocence using oracles. The group basis its conflicts resolution mechanisms on superstitions to enable the community members to get the truth and justice (Beyene, 2007). The above study relied on the general conflict with no specific issue at hand to be solved by community elders. It is in this regard that this study sought to look at the role played by the community elders in solving land-related conflict in Nakuru County.

Ladan (2013) argues that the Pokot community of Kenya face constant land-related conflicts that have been in the area for an extended period. The significant disputes that the community face is mostly caused by the private, public, and communal ownership of the land (Ladan, 2013). The major areas which face a growing number of land disputes are the areas where agriculture is practiced. Areas which face a series of land-related conflicts have led to conflicts on land control, utilization, and ownership. In the

Pokot area of Kenya, the major conflicts which are reported are mostly between farmers and pastoralist, farmers and farmers, and herders, among other pastoralists (Mahende, 2012). Moore (2014) posits those conflicts among the Pokot are mostly due to the land ownership by one or several clans that should belong to more or different clans. The climate also contributes to the conflicts since, during the drought, herders move from one region to another and thus invading another peoples' land (Gebre, 2001). However, despite the land-use conflicts, the elders play a significant role in creating a peaceful mechanism for resolving (Ladan, 2013). Community elders preserve and sustain land-use, promote and foster economic activities that are undertaken within the land, and direct the community towards a peaceful co-existence (Beyene, 2007). Ladan (2013) holds the community elders conduct vital decision making that involves land issues. The author posits that some of the roles that community elders are land use extension decisions, issues on land sub-divisions, matters related to the conversion of land use while this study addressed the role of community elders in solving the land-related conflicts.

Greiner (2017), there are different ways through which land-related matters are handled within the community (Phuthego & Chanda, 2004). Elders are one of the traditional dispute resolution mechanism that is used among many societies across the world (Muigua, 2014). It is important to note that the role of the elders, in this case, is to assume a central responsibility and address matters as they are presented by the disputants. The role of the elders is determined by how well they are aware of the customs and traditions within their community as well as the culture of the disputants

who come from a different clan or ethnic group (Kegoro, 2012). The role of elders, according to Mworira & Ndiku (2012), is to understand issues that lead to land-related conflicts and offers a solution towards a fair use and management of the land. Elders must, therefore, demonstrate skills and be knowledgeable about different matters that affect the stability and peace of the community (Allen *et al.*, 2013). The work above can be useful to the current on the role of elders in land-related conflict management in Nakuru County.

Hagmann (2006) posits that quality approach is needed on land matters since they are sensitive in the sense they can lead to deadly clashes, loss of property, and displacement of people. According to Muigua (2014), elders determine how peaceful a community, as well as families, co-exist even after they undergo a land dispute. Greiner (2017) posits that healing and reconciliation among disputants lie heavily on the role that elders play in managing land matters within a given area. Customary laws put the community together, and elders can be seen as the custodians of the traditional beliefs that bind people and prevent escalation of animosity and violence (Kegoro, 2012). The work above relied on general conflict as opposed to land-related conflict on the current study in Nakuru County.

Greiner (2017) posits that the negotiation process is one of the most used ways of resolving conflicts. Negotiation is often less costly in terms of resources that are involved, and the disputants can work out their differences and thus attain enforceable and satisfying means of settlement. Through negotiations, the disputing parties can

shift beyond their impasse via persuasion and discussion and thus culminate a collective decision. Abdul-Rafiu (2015) holds that disputants can be able to obtain alternatives that the other side is willing to offer. The process is also flexible since it can be combined with other dispute resolution procedures such as conciliation, mediation, and arbitration. According to Alemie & Mandefro (2018), negotiation as a form of land-related conflict resolution mechanism involves elements such as rituals and the appeal to the divine justice. The rituals ensure that the process is useful since they are part of the customs and traditions that bind the community members together. Kamwaria *et al.*, (2015) argue that the success of the negotiation process depends on several factors. The work above relied on general conflict as opposed to land-related conflict on the current study in Nakuru County.

In Kenya, the Agiriama people use two primary systems of resolving disputes (Greiner, 2017). The oracles and the council of elders have been used by the community since time immemorial. The council of elders listens to daily complains from the members of the community. Supernatural powers also play a role in resolving disputes. The elders focus on seeking the truth before making the verdict on all matters and thus, they have been able to earn the trust of the community members. The Agiriama people use ordeals to determine the innocence and the guilt of the disputants. The dispute resolution is thus more psychological than physical, and due to the shared beliefs within the community, the disputants can get justice, which they perceive to be fair. Elders determine or influence the way the community uses common resources such as grazing areas, water, as well as patterns of moving from one area to another.

Meditation, arbitration, negotiation, and dialogue is the principal duty of the council of elders among the Agiriama (Kariuki, 2015). The elders are known as the custodians of the traditional language and the peace brokers with the neighboring ethnic communities. The work above did not focus on the land-related conflict as in the current study of Nakuru County.

2.1.2 The Effectiveness of Elders of the Community in Resolving Land-Related Conflicts

The governing body of the community members is the elders since everyone cannot make decisions on important issues such as land (Kegoro, 2012). The elders, therefore, take a proactive role towards making all the important decisions that aim at addressing any issues among the community members. Kamwaria *et al.*, (2015) note that many communities derive their land jurisdictions from their customs and traditions. The traditions and customs are unwritten and rely on traditional wisdom, which is passed from one generation to another. Elders play a significant role in giving this knowledge to the young members of the community and thus act as custodians of wisdom. Through the preservations of customs and traditions, there is a definite cohesiveness of the community, and land-related matters are solved with ease (Muigua, 2014). This study relied on the customs and tradition for communities hence it did not enlighten on the role of elders in land conflict management.

Various scholars also point out the role of elders in resolving land-related conflicts in Botswana. Moumakwa (2011) holds that the Tswana people embrace traditional

dispute management and resolution mechanism, which works parallel with the modern judicial system in the country. The dispute resolution mechanism among the Tswana people is usually anchored on the practices and norms of the native people. The resolution committee is generally comprised of various members who are drawn from the Tswana community members. At the family level, the household leaders are in charge. There are also headsmen, chiefs, and the paramount chiefs within the dispute management and resolution members. The elders are the sole advisors on matters that affect the community, and they complement and support the dispute resolution process. There are also diviners, herbalists, healers, and overseers who are equally respected in dealing with issues that affect the community (Moumakwa, 2011). One of the essential ideas that allow elders to handle land-related conflicts is the belief that they are truth-seeking and peace-loving members of the community. This study was however done to accommodate the current area of study and that's why the research was done to locate the local problem faced by the people.

The role of elders in resolving land-related matters is also highlighted in Somalia. Mworira & Ndiku (2012) hold that the traditional dispute resolution mechanism is a part of a well-laid system that enhances social system whose aim is to promote community ties through reconciliation. The role of elders, according to Greiner (2017), is to promote peace and healing amongst the disputants. The importance of the informal systems of conflict resolution is based on the restoration of peace and balance as well as addressing issues which could lead to an escalation of violence (Muigua, 2014). In a study which was conducted in Somalia, Haggmann (2006) notes that elders

play a vital role in diffusing land-related conflicts between clans. Elders have always played a pivotal role in addressing issues that may lead to an escalation of violence between the community and the neighboring people. Elders have, therefore, played a significant role in addressing national reconciliation in Somaliland. Kamwaria *et al.*, (2015) argue that the government of Somaliland incorporates clans which previously supported the Barre regime to foster peace in the region. According to the authors, elders in the region resolved conflicts via dialogue with the conflicting parties. The study focused on the elders of Somali which is different in the context of the current study. This study focused on the role of elders in solving land-related conflict.

Further, the role of elders in resolving land-related conflicts in Somalia is supported by Alemie & Mandefro (2018), who posit that elder have a crucial role in addressing land-related matters within the country. The authors argue that peace-making is under the obligation of the community elders across different regions. Worthy to note, past conflicts in some parts of the country often led to the loss of lives and destruction of property. However, elders have been at the forefront of addressing the conflicts through encouraging peaceful co-existence of the community and clan members. The authors note that women also play a significant role in dispute resolution since they are trusted more as compared to the men when it came to conflict management. Therefore, it is crucial to understand that women also play a role when it comes to elderhood in Somalia (Muigua (2014). Despite the efforts by the state agencies, the inter-community disputes were rampant in Somalia in the last decade. However, the recognition and involvement of the local elders, led to a significant reduction of the conflicts. Alemie & Mandefro (2018) argue that community-based negotiators are the crucial drivers of the

dispute resolution in the area. The above study stipulated the role of women in solving problems while the current study looks at the role of elders in managing land-related problems.

The role of elders across the globe is also supported by Mulikuza (2015), who holds that the landowners and the disputants rely on elders to exist peacefully. In many societies across the continent, land disputes involve many parties, and the major causes of the conflicts are the varying interest on the land use, conflicting rights to land, and differences on ways of accessing the land (Bukari, 2013). Land-related dispute resolution relies on traditions and customs. The traditions and customs are based on verbal performance and traditional wisdom, which is carried across generations by the elders (Bukari, 2013). Customary laws are not written, and the community elders act as the custodians of knowledge by preserving and educating the community on the importance of following the traditions (Alemie & Mandefro, 2018). The primary role of the customs and traditions are dispute resolutions on matters that affect the community, such as land-related conflicts. Ladan (2013) argues that community elders play an essential role in solving arbitration matters. Therefore, the role of elders is to use the traditional knowledge and powers which has been passed over generations as ways of solving land-related matters which affect the community. The resolution uses mediation, arbitration, reconciliation, or negotiation. This information is very relevant to the current study.

Wassara (2007) argues that alternative methods of resolving disputes are applied in many parts of the world. For instance, in the United States, Wales, and England, about 16% of land-related conflicts end up in the informal judicial system. The developing countries mainly apply the conventional legal system to solve land matters. In Bangladesh, about 61% of land-related cases are resolved via the traditional system of dispute resolution (Chapman & Kagaha, 2009). The global context of elders can be seen in two main groups, which are within the nature of the dispute resolution process (Harper, 2011). Single elders handle disputes independently while the council of elders comprises several elders. The council of elders act as a third party within a dispute resolution setting and mostly handle matters which are a threat to the harmony and peaceful co-existence of the community. Various studies hold that elders play a significant role in the resolution of land-related conflicts (Emanuel & Ndimbwa, 2013; Wassara, 2007). This study is relevant to the current study in that it relates to the traditional systems that were used in solving land-related problems.

Wassara, (*Ibid*) observed that the Amhara, Gumuz, and the Oromo people who live in the western parts of Ethiopia embrace council of elders as the significant way of conflict resolution to resolve land-related conflicts which have primarily been as a result of immigration. The country applies dispute management and resolution method that uses elders to promote social co-existence as well as to punish anyone who is found guilty of wrong-doing. The major disputes among the people living in the western parts of Ethiopia are cultural, disputes over land, and grazing areas (Pankhurst, 2003). It should be noted that unlike the formal systems of dispute resolution which

pass out judgment and punishment, the informal system mainly looks at ways of avoiding such disputes in the future. The solution that the informal dispute resolution mechanisms provide is responsive, wholesome, and puts into consideration the living standards of the affected parties. However, the study carried out by Wassara did not focus on the nature of conflict rather it looked at the mechanism used by community elders. This study sought to dwell into the causes and the mechanisms used by community elders in solving land-related conflicts in Nakuru County.

Other African countries where the role of elders in resolving land-related conflicts have been documented are Malawi and Sierra Leone. Elders in the two countries solve up to 85% and 86% of land-related cases through a conventional type of dispute resolution forums, respectively (Abu, 2016; O'Reilly & Zhang, 2016). According to Mworira & Ndiku (2012), the elders are supposed to be wise, courteous, and mature through experience that they must be able to accumulate over the years. The literature from the African countries illustrates the significance of the elders in resolving land-related conflicts in various regions. The Yoruba people of Nigeria also have elders who are known as Agba (Phuthago & Chanda, 2004). The elders are seen as a bridge that links people with ancestors through passing the traditional knowledge from past generations to the current ones (Kamwaria *et al.*, 2015). The work above did not focus on the land-related conflict as the current study in Nakuru County.

The role of elders has been documented in Kenya over the past decades (Hagmann, 2006; Pankhurst, 2003). However, in developed countries, the role of elders has been

documented in an earlier date (Mworia & Ndiku, 2012). According to Kariuki (2015), elders are mostly people who are more than 50 years of age and those who demonstrate a sound understanding of norms and traditions as well as characters who demonstrate excellent leadership qualities. The United Nations does not have a particular age-specific criterion for defining elders. However, the organization recognizes the role of elders in resolving land-related conflicts (Greiner, 2017). Elderhood is practiced by almost all Kenyan communities (Kegoro, 2012). The role of elders within Kenyan communities is supported by various authors. For instance, the Kikuyu people of Kenya defined elders as people who had passed the warrior-hood period (Muigua, 2014). The work above relied on general conflict as opposed to land-related conflict on the current study in Nakuru County.

Pkalya *et al.*, (2004) also document the role of elders in resolving land-related conflicts among the Pokot and the Samburu. The authors argue that the two communities use the council of elders to resolve disputes within the community. The Pokot and the Marakwet people also have a peace pact that is promoted by the council of elders (Mahende, 2012). The communities rely on the elders who use the traditional dispute resolution mechanisms, superstitions, sorcery, witchcraft, and charms as a way of maintaining peace within the community. Beliefs are used to reduce conflicts since they serve as a warning signal about what may occur the members of the society due to conflicts which may lead to murder and loss of property. It is against the customs to violate the customary verdict from the elders. In many communities, the beliefs are that if one violate such laws, they invite curses among themselves. In other communities,

anyone who violates the laws risks being killed by lightning (Berger, 2003). The above study was relevant in this research as it explains how elders are involved in maintaining peace and dispute resolutions in Pokot.

Elderhood has also been documented among the Kalenjin community, which was defined by a traditional organization which was known as parish or Koret (Greiner, 2017). According to Mworira & Ndiku (2012), the organization of the elders was in charge of between 20 to 100 homesteads and were under a Kokwet (a council of elders comprised of men). The elders were obliged to making decisions on crucial matters which affected the community, such as land-related conflicts (Phuthego & Chanda, 2004). Kariuki (2015) posits that community elders are the drivers of peace and mediators in the conflict resolution process. The elders determine the nature of land management that exist within a given area since their input control the way through which the land is shared and used among the community members (Hagmann, 2006). The work above relied on land management as opposed to the role of elders in land-related conflict resolution on the current study in Nakuru County.

Pkalya *et al.*, (2004) also document the role of elders in resolving land-related matters among the Meru people. The authors acknowledge that most of the conflicts are between families, individuals, neighbors, and relatives. Sometimes land-related conflicts in the area also take place between the locals and investors. Clan and family members sometimes disagree on boundaries, which often lead to conflicts (Pankhurst, 2003). The traditional governance of the Meru people is comprised of various groups.

Seven groups in total make up the council of elders. The groups include Imenti, Igembe, Mwimbi, Tigania, Chuka, Muthambi, and Tharaka. The roles of the elders according to the Meru community are oral, and findings from various studies point out that elders have existed since they settled in their current location (Hagmann, 2006; Allen *et al.*, 2013). Pkalya *et al.*, (2004) notes that the founder of the Meru council of elders, which is also known as Njuri Ncheke, was Kaura Bachau. The founder made a vow before he died that a curse will follow members of the community who do not abide by the traditions (Kegoro, 2012). The work above relied on general work the elders do as opposed to land-related conflict on the current study in Nakuru County.

Mworia & Ndiku (2012) documents the role of elders among the Meru community. The authors argue that many traditional communities adhere to the traditions since they believe that there is a curse which is associated with refraining from the advice of the elders. According to the Meru traditions, disrespect of the role of elders can bring curse and bad omen to the community (Kegoro, 2012). Elders ensure that the community members have a common belief and understanding by providing that they administer oath-taking. Anyone who does not adhere to the oath risks wrath from the dead members of the community. Elders take a proactive role in the administration of the oath and pass the knowledge from one generation to another (Kamwaria *et al.*, 2015). Whenever land-conflicts arise, the oath plays a crucial role in ensuring that disputants listen and adhere to the verdict of the elders. The role of elders among the Meru people lies within different ranks. The work above relied on general conflict as opposed to land-related conflict on the current study in Nakuru County.

The role of elders among the Meru community in resolving land-related matters is enhanced by the fact that they are wise and wealthy, and therefore, they can make appropriate decisions on matters affecting the community without being compromised (Pkalya *et al.*, 2004). Although some elders may not be rich, it is impossible to have an elder who is not wise among the traditional dispute resolution system in the Meru community. The role of the institution of the elders is to make laws, communicate government orders to the community, and deliberate on issues that affect the wider community such as land-related conflicts. According to Mworira & Ndiku (2012), the Meru Council of Elders act as a form of the informal judiciary and enforce different rules and regulations that aim at creating peaceful co-existence through addressing land and environmental issues. Muigua (2014) notes that despite the interference by the current government and political systems, Njuri Ncheke still plays a vital role in dispute resolution. Worthy to note, the prevailing peace within the Meru community can be attributed to the role that the elders play towards the maintenance of peace by addressing matters which could lead to further conflicts (Pkalya *et al.*, 2004). The work above relied on general duties of the elders as opposed to specific land-related conflict on the current study in Nakuru County.

In many parts of Meru, communities live in ancestral land (Bogale & Korf, 2005). While the land gives the community members a form of identity, it also drives the land politics in the area. The land is among the precious resources that drive the economy of the Meru people, and there are cases of conflicting interest among the community members (Pankhurst, 2003). Land-related conflicts among the Meru people are often

driven by the belonging and its ownership as well as the access and control of the property, which is contained in the land. Pkalya *et al.*, (2004) argues that community members have an idea of autochthony, which is an expression of the place where they were born. The idea gives the community a sense of ownership and belonging, and they can, therefore, go an extra mile to protect the land which may be a potential source of conflicts (Muigua, 2014). Elders have a role of defining the identity of the people, highlighting the territorial rights, and defining the concept of land ownership in the community (Allen *et al.*, 2013). Absence of elders in the area would automatically lead to an escalation of conflicts since community members would do anything possible to protect their land. Elders form a body through which intra-ethnic and inter-ethnic land disputes are addressed. Phuthego & Chanda (2004) argues that elders in the Meru community have the responsibility of handling day to day matters within the community and more specifically, land conflicts. The author contends that land-related disputes are majorly due to disagreements about boundaries and land ownership. The work above helps the current study on the land-related conflict in Nakuru County.

The role of the Meru council of elders is recognized by the government of Kenya due to its role in addressing cultural concerns within the community (Pkalya *et al.*, 2004). The government acknowledges Njuri Njeke as a crucial player in peacebuilding by addressing land issues, which can result in further conflicts. Some of the cultural concerns that the elders play in the community are property and land-related disputes among the community members. Elders among the Meru people are influential and legitimate when it comes to making political decisions in the country. Njuri Njeke also

acts as the custodian of the custom order and laws within the community (Bogale & Korf, 2005). It is important to note that the council of elders among the Meru people is seen as a form of government by the community due to the significant role that it plays towards dispute resolution in the community. According to Alemie & Mandefro (2018), some of the mechanisms that the elders use in customary dispute resolution include; settlement, negotiation, conciliation, restoration, consensus approach, and mediation. The mechanisms mainly aim at maintaining and restoring social well-being and bond among the community members. Mworira & Ndiku (2012) argue that traditional societies are complex in terms of relationships, social capital, and community bonds, and thus, elders play a crucial role as a dispute resolution institution as it is going to be established in the current study in Nakuru County.

According to Cherutich S., K (2016) the ethnic conflicts in Rongai Sub-County were mainly of violent nature, originated from the reintroduction of multi-party politics in Kenya in early 1990s and were caused mainly by land and political issues. Secondly, the institution of elderhood was strong in Rongai Sub-County and commanded respect in the management of ethnic conflicts. Thirdly, the elders were the lead actors in ethnic conflicts management in Rongai Sub-County and played key roles that were aimed at achieving peaceful co-existence among ethnic groups. The above study helped the current study on the role of elders in the land-related conflict as the current study of Nakuru County.

Over the past few decades, the world has seen a significant rise in ethnic disputes, which became a common form of political disturbance in many parts. The conflicts have also had severe impacts such as displacement of people, destruction of property, and mass killings. Despite the widespread civil wars and ethno national independence related conflicts, elders have played a significant role in addressing issues at grass root levels. In many cases, elders can be seen as having played a role in resolving disputes successfully. Indigenous knowledge is used in different contexts to explain the effectiveness of elders in resolving conflicts (Bogale & Korf, 2005). The effectiveness of the council of elders relies heavily on various assumptions which help in linking the role of traditions and customs with indigenous knowledge and conflict resolution. Natural resource use is the leading cause of conflicts across the world. The constitution of Kenya guarantees all the citizens equal access and benefits to land among the local people (Moore, 2014). The constitution also prohibits people from the appropriation of land, which is publicly owned (Gebre, 2001). There have been government efforts to undertake different provisions that seek to examine the historical land injustices on the land ownership and come up with ways in which the community can register for land titles (Kassa, 2001). This is relevant to the current study on the role of elders on land-related conflict resolution in Nakuru County.

Critics of the land Kamwaria *et al.*, (2015) argue that in northern Canada and Bangladesh, sharing of natural resources, as well as their benefits, is a significant issue that causes conflicts. However, the local mechanisms offer the best solution for these concerns across different regions. According to Alemie & Mandefro (2018), every

society experiences some form of conflicts. The intensity and the type of disputes differ from one place to another as well as from time to time within a specific community. The effectiveness of elders in resolving the conflicts varies depending on how they respond to a given dispute. Phuthego & Chanda (2004) argue that a significant variation exists within different communities. The author notes that opinions, power, status, knowledge, and wealth of the community members and the elders influence the effectiveness of the elders in resolving conflicts (Bogale & Korf, 2005). It is, therefore, important that consideration is put on the historical and social perspective of the elders to understand and appreciate the viewpoints on their success in managing social issues such as land matters (Muigua, 2014). The work above relied on other regions on conflict as opposed to land-related conflict on the current study in Nakuru County.

According to Greiner (2017), conflict is usually defined by a disagreement between two or more parties. The dispute is characterized by an argument as well as the need for an action to address the concern. Sometimes a conflict may not always turn out to be a dispute (Kegoro, 2012). Fear, peer pressure, exclusion by other community members, distrust, and strategic reasons are some of the concerns that lead to grievances. The effectiveness of elders in resolving land-related conflicts is determined by their ability to deter the community members from avoiding actions which lead to an escalation of violence. According to Mworira & Ndiku (2012), conflicts are usually entangled within a complex dispute scenario among community members, social groups, and even family members. Minor conflicts sometimes lead to significant

implications due to the political, socio-economic, and the cultural disputes that are attached to them (Pkalya *et al.*, 2004). Kamwaria *et al.*, (2015) argue that the duty of handling disputes can be challenging and sometimes time-consuming. The effectiveness of elders in resolving conflicts is, therefore, a significant predictor of whether the difference will occur in future or not. The studies above helped the current study in understanding the role of elders in land-related conflict in Nakuru County.

In some cases, disputes may recur in future if the underlying cause of the impact is not addressed (Pkalya *et al.*, 2004). The ability of the elders to address the root causes of conflicts determines whether the dispute is solved fully. Elders are known to create a web within the community through which disputing parties are compelled towards a sustainable solution to land-related disputes as well as other conflicts. Allen *et al.*, (2013) argue that active elders are the ones who address community issues in conjunction with neighbours, religious leaders, and government officials. People from different societies have means through which they address and manage conflicts (Bogale & Korf, 2005). Whether the mechanisms are informal or formal, they should aim at addressing the issues in a manner that it will not resurface in future. The dispute resolution procedures should, therefore, be equitable and peaceful. Sometimes the specific mechanisms differ, but generally, communities rely on similar procedures to manage disputes such as negotiations, avoidance, mediation, coercion, adjudication, and arbitration (Phuthego & Chanda, 2004). Community elders' involvement and success in dispute resolution depending on their preferences, traditional knowledge, as well as the available options that are available for a specific dispute. The perceived

possibility of success and their understanding of the disputants also determine how successful they address the conflicts (Kegoro, 2012). The work above opined on general role of elders on the conflict management as opposed to land-related conflict on the current study in Nakuru County.

2.1.3 Various Ways of Strengthening the Role Played by Elders of the Community in Resolving Land-Related Conflicts

The role of elders in resolving land-related disputes has also been documented in Ethiopia. Pankhurst (2003) notes that the country is a rare representation of the effectiveness of elders in dispute resolution in Africa. The primary reason why the country boasts such a robust elder system for dispute resolution is because the state was not colonized. Therefore, there has been less influence by western countries. However, dispute resolution in Ethiopia is primarily influenced by Christianity, Islam, and Judaism. The elders rely on the religious point of view to solve various conflicts, including land-related clashes. The Abrahamic religion in Ethiopia offers a form of spiritual connection and medium that connects the living with the dead. Therefore, rituals are performed as a way of addressing disputes that result in murder. Land-conflicts are widespread in the country, and the elders offer mechanisms for an amicable solution which the current study attempts to establish. This study was carried out in Ethiopia while the current study focused on the context of the Kenyan environment, Nakuru County.

According to Hagmann (2006), the role of the elders in many Kenyan communities is enhanced by the nature of respect that the community bestows to the institution. Kamwaria *et al.*, (2015) hold that most of the customary dispute resolution bodies are respected and therefore, they enjoy the opportunity to make vital decisions among the community. The respect to the institutions and the elders enables them to pass traditional knowledge, traditions, and customs to other generations and thus enhance social cohesiveness (Muigua, 2014). Through awareness among generations, the community can respect the elders as well as their decisions (Pkalya *et al.*, 2004). The community members are also able to take up all the decisions that the elders make since they believe in their role in offering appropriate solutions (Pankhurst, 2003). There is an understanding among the community members that the elders' decision should be taken seriously and respected since they are the custodians of traditional knowledge that binds the community together (Bogale & Korf, 2005). The work above helps the current study on the land-related conflict in Nakuru County.

Phuthego & Chanda (2004) argue that elders pass traditional knowledge to enhance respect through generations, and thus, it is easy for them to settle disputes which arise. The role of elders in resolving conflicts also involves performing rituals (Bogale & Korf, 2005). Rituals are essential in promoting reconciliation and peace. Muigua (2014) argues that rituals serve an integral part of the reconciliation process, which occurs due to disputes. The ceremonies are also seen as a means through which the elders transform the identity of the disputants and the community members in general. The elders oversee or undertake the rituals to regulate the nature of relationships

among people. According to Alemie & Mandefro (2018), elders conduct rituals as some of the determinants of how people relate with one another. The work above helps the current study on the land-related conflict in Nakuru County.

O'Reilly & Zhang (2016) hold that the government in many countries understand the role of elders in resolving conflicts and, therefore, there are efforts to work with these institutions to ensure that land-related disputes are addressed adequately. According to Kariuki (2015), some of the ways through which communities have put in place to solve land conflicts is through an establishment of informal institutional mechanisms for dispute resolution such by the use of the community elders. The informal conflict resolution process relies on the elders, religious and political leaders to address matters that affect the community. Greiner (2017) articulates that land-related matters are some of the conflicts that have detrimental impacts on the community unclear. The conflict resolution by the community elders relies entirely on the disputants because the existence of disputes resolution by the elders is based on the presence of disputants. The work above did not focus directly on the role of elders in land-related conflict as in the current study in Nakuru County.

The success of the community elders in resolving conflicts relies on the extent to which the conflicting parties are knowledgeable with the customs and traditions and their trust with the elders. According to Kamwaria *et al.*, (2015), the skills and the understanding of the community leaders on the traditions and customs determines their ability to solve disputes effectively. Sometimes the duration, as well as the costs of resolving

disputes, also affects how effective the elders can solve the conflicts. Phuthego & Chanda (2004) explains that disputants can be relatives, friends, or neighbours. However, elders must allow anyone who wants to listen to the resolution proceedings since the process must be transparent. An effective dispute resolution process allows conflicting parties to take an active part in the process. The elders must also understand that the disputants have a right to take a role in the process. However, only the elders are mandated to decide the matter. Pkalya *et al.*, (2004) argue that the major actors in the conflict resolution mechanism are the mediators who are comprised of the community elders. The work above did not focus on the land-related conflict as the current study in Nakuru County.

Phuthego & Chanda (2004) articulate that for the disputing parties to have trust and confidence to the community elders, the mediators should demonstrate qualities and abilities such as honesty, wisdom, and be respectful to the traditions and customs of the group. The elders must also be willing and determined to get to the bottom of issues from both sides of the disputants. According to Kamwaria *et al.*, (2015), the success of community elders in resolving disputes relies on how the disputants are acknowledged their satisfaction with the entire process. Pkalya *et al.*, (2004) argue that the elders must be people who are committed to solving community issues through the expertise and knowledge that they have. Active elders are, therefore, experienced, have a good reputation, and be committed towards decision making that eliminates chances of community rivalry in future. Alemie & Mandefro (2018) note that the effectiveness of elders in resolving land-related disputes depends on their ability to demonstrate a good

understanding of the traditions and customs within a given community. The work above did not focus on the land-related conflict as the current study in Nakuru County.

Greiner (2017) articulates that it is vital to note that for the community elders to solve land-related disputes, they must be accepted and respected within the community. The respect generally comes as a result of experience, good understanding, as well as their understanding of traditions and customs. The knowledge determines how well the elders can analyze and give their verdict concerning a dispute (Phuthego & Chanda, 2004). The elders should also be able to be patient, demonstrate impartiality, and respect the disputants. The trust that the elders earn is based on the qualities that they possess since they are the determinants of how the disputants and the entire community perceive the advice which is given. According to Kamwaria *et al.*, (2015), elders are the building blocks that enable the community to foster peace and maintain the stability of the area. Various communities have been thriving in using elders to resolve conflicts. Abdul-Rafiu (2015) argues that elders are used to resolving land-related matters within the community. Traditions and norms which are passed from one generation to another through elders play a significant role in maintaining peace among the community members as well as the neighbouring communities. The work above helped in the analysis on the role of elders in managing land-related conflict as the current study in Nakuru County

Elders perform rituals that are essential in binding the community together. The ceremonies are also useful in promoting peace and reconciliation among clan and community members. Pkalya *et al.*, (2004) argue that rituals and ceremonies that are overseen by the elders are a declaration of support by the community members to co-exist peacefully. The authors posit that the process unifies the community and the disputants by bringing the government officials, community members, and the disputants together. According to Zartman (2000), the traditional dispute resolution mechanisms has been effectively used by the Ambo Wareda people in Ethiopia for an extended period. The author also argues that the Oromo people, Agnuak, and the Amhara use a traditional form of dispute resolution mechanism to manage land-related conflicts. The formal system of conflict management sometimes is used to manage disputes. However, there is room to take back the cases to the customary dispute resolution mechanism because they are relatively cheap and offer an amicable resolution to the conflicts (Phuthego & Chanda, 2004). Due to the effectiveness of the elders in resolving land-related matters, a majority of the members in almost all the communities are now using the traditional systems of dispute resolution as opposed to the court systems (Mworia & Ndiku, 2012) that affect the community. The dispute resolution by the elders depends entirely on the disputants because the existence of conflict resolution by the elders is based on the presence of parties that have conflicts. The study above did not focus on the land-related conflict as the current study in Nakuru County.

The effectiveness of elders in dispute resolution depends on the familiarity of the disputants with the customs and traditions and their trust with the people resolving the conflict (Ladan, 2013). The knowledge and skills of the elders also determine their ability to solve disputes effectively. Other factors that influence the effectiveness of elders in resolving conflicts is the cost and the duration that the process takes (Ladan, 2013). In his study in Uganda, Mulikuza (2015) holds that people who participate in dispute resolution can be friends, relatives, or neighbours of the disputants. Passers-by can also participate in the dispute hearing process since in most cases; the conflicts are open to anyone due to their transparent nature (Beyene, 2007). It is also the right of the participants to take a role in handling the cases. However, only the elders are mandated to give out their verdict concerning the case. According to Peter (2017), the major players in the conflict resolution mechanism is mediators who are drawn from the clan and the community elders. The work above did not focus on the land-related conflict as the current study in Nakuru County.

In their study in Tanzania, Emanuel & Ndimbwa (2013) argue that for the conflicting parties to have trust and confidence to the elders, the mediators should possess all the characters and qualities such as honesty, wisdom, and be respectful. The elders should also be determined and willing to understand and focus on the issues that are brought to the attention of the mediators (Moore, 2014). The major land-related issues, according to Umubyeyi & Mtapuri (2019), are usually on the use of the land, boundaries, and access to the benefits emanating from a community or clan-owned land. The effectiveness of elders in resolving conflicts, therefore, depends on how the

disputants are satisfied with the process. The elders must be people with a good reputation, experience, commitment towards community issues, and must possess a useful talent when it comes to decision making. Also, Bogale & Korf (2005) argue that the effectiveness of elders in resolving conflicts depends on their ability to demonstrate a thorough understanding of the traditions and customs within a given community. It is important to note that for the community elders to solve land-related disputes, they must be accepted and respected within the community (Mahende, 2012). Respect usually comes as a result of their experience, knowledge, moral standing, knowledge of the traditions and customs, as well as their ability to analyze conflicts (Gebre, 2001). The disputants should also be able to be patient, demonstrate impartiality, and respect the disputants. If community elders possess the mentioned qualities, they earn the trust of the community and their decisions and advice can be quickly undertaken (Mahende, 2012). This work assisted the current in understanding the land-related problem in Nakuru County.

According to Haggmann (2006), elders are effective in fostering and maintaining the stability of the community. In a study which was conducted in Ghana, it was noted that the Kusasi people rely on the traditional systems of dispute resolution to manage different disputes, including land-related conflicts. The authors argue that the community believes that conflicts which lead to bloodshed are a violation of the spirits and gods (Ladan, 2013). For the community to maintain peace all the disputes that lead to killing are handled by the elders and rituals are performed to bring cleansing (Moore, 2014). The rituals involve feasting, and thus, the community is united to avoid

similar conflicts in the future and have been used effectively to create a strong bond within the society (Gebre, 2001). Peaceful co-existence is an important role that the elders must undertake within the community. The rituals and ceremonies that are overseen by the elders are a declaration of support by the community members to co-exist peacefully (Beyene, 2007). The process unifies the community and the disputants by bringing the government officials, community members, and the disputants together (Bukari, 2013). Study above was done in Ghana and it will help in understanding the situation of land-related problems solved by the elders in Nakuru County.

The effectiveness of elders in resolving land-related conflicts is also supported by Umubyeyi & Mtapuri (2019). The authors note that the elders listen openly and actively to both sides of the disputants and find a solution through consultations among the elders. The elders also teach norms to the community members, which are essential for a peaceful co-existence of the people (Mulikuza, 2015). The elders among the Ambo community are highly respected due to the essential role that they play towards the existence of the people. The elders also offer spiritual services and honour people who demonstrate exemplary behaviour towards instilling peace and social norms among generations (Ladan, 2013). The study finding was general in the roles of the elders while the current study focuses on the role elders have played in the management of the land-related conflict.

The formal systems cannot use negotiations or enforcement due to the resistance by the community (Bogale & Korf, 2005). The informal systems of dispute resolution are, therefore, in a better position to address conflicts by having forums where disputants air their grievances as well as having measures to ensure that the conflicting parties adhere to the elders' decisions. In some countries, the government acknowledge the role of elders to the extent that the courts only handle disputes emanating from strangers while the informal dispute resolution mechanism is used to address family and lineage matters (Allen *et al.*, 2013). The success of elders in resolving disputes involves an agreement on the right venue to have the disputants air their grievances. The traditions and customs frequently highlight the need for having a specific arena and forum through which disputes are addressed. The local authorities or elders may make a resolution on the right venue to be used in resolving the dispute. Sometimes the disputants are allowed to select the place that they feel is suitable for them to air their grievances (Mworia & Ndiku, 2012). The work above relied on general conflict as opposed to land-related conflict on the current study in Nakuru County.

2.2 Theoretical Framework

The study utilized two theories, they include; The Social Capital Theory and The Social Conflict Theory. The Social Capital Theory The social capital theory explains the formation of communal societies and the attendant social ties that bind them together. Putnam R.D.(1965), in theorizing social capital, posits that social networks, bonds, reciprocal duties and trust, bind people together and enable them to co-exist. It is these social ties that guaranteed the existence and effective functioning of the society. Putnam

outlines two types of social capital: bonding social capital that fastens ties of individual members of a group, and bridging social capital, that allows interlink age with other social groups. The social capital theory can also explain the restorative nature of dispute resolution by elders in African Societies. In most of Africa, elders aim at restoring the social ties or social capital that had been broken by the wrongs done, committed or omitted. Without strong social ties, communities could not exist and function effectively. Even in serious cases such as murder, the threat of excommunication from the society, and therefore exclusion from social ties, acted as a deterrent for wrong doing. However, this theory is inadequate in explaining the roles elders play in managing conflict that comes as a result of inter-ethnic clashes caused by scarce resources most importantly land as in the case of this study conducted in Rongai sub-County, Nakuru County. Therefore, the study supplemented it by use of The Social Conflict Theory explained below.

Theories of Social Conflict is an essential tool used by scholars in the analysis of society; through the use of theoretical frameworks social structures and phenomena are analyzed and placed in context within a particular school of thought. The field is interdisciplinary, drawing ideas from and contributing to such disciplines as anthropology, economics, history, human geography, literary theory, mass communications, philosophy, sociology, and theology. (Berberlogu 2005, p. xi). This study adopts a "Critical" social theory; a neo-Marxist theory. Social conflict theory is a Marxist-based social theory which argues that individuals and groups (social classes) within society have differing amounts of material and non-material resources (the

wealthy vs. the poor) and that the more powerful groups use their power in order to exploit groups with less power. The two methods by which this exploitation is done are through brute force and economics (Marx and Engels 1848).

2.3 Conceptual Framework

This section explains the variable according to the research topic and the objective. It relays the dependent, independent and the intervening variable. The study utilized the alternative hypothesis.

The independent variable observed the role of elders in resolving land conflicts which included; resolving boundary disputes, marking boundaries, bringing people together and gathering information on disputes.

The intervening variable looked at the roles of the existing Institutions which included Government, Religious, Non-governmental and Legal framework that are used by the independent variable to yield the results.

Lastly the dependent variable comprised of the effectiveness of community elders which was measured in terms of the outcome. They included; Successful dialogue, Peaceful co-existence and Land-related conflict resolution.

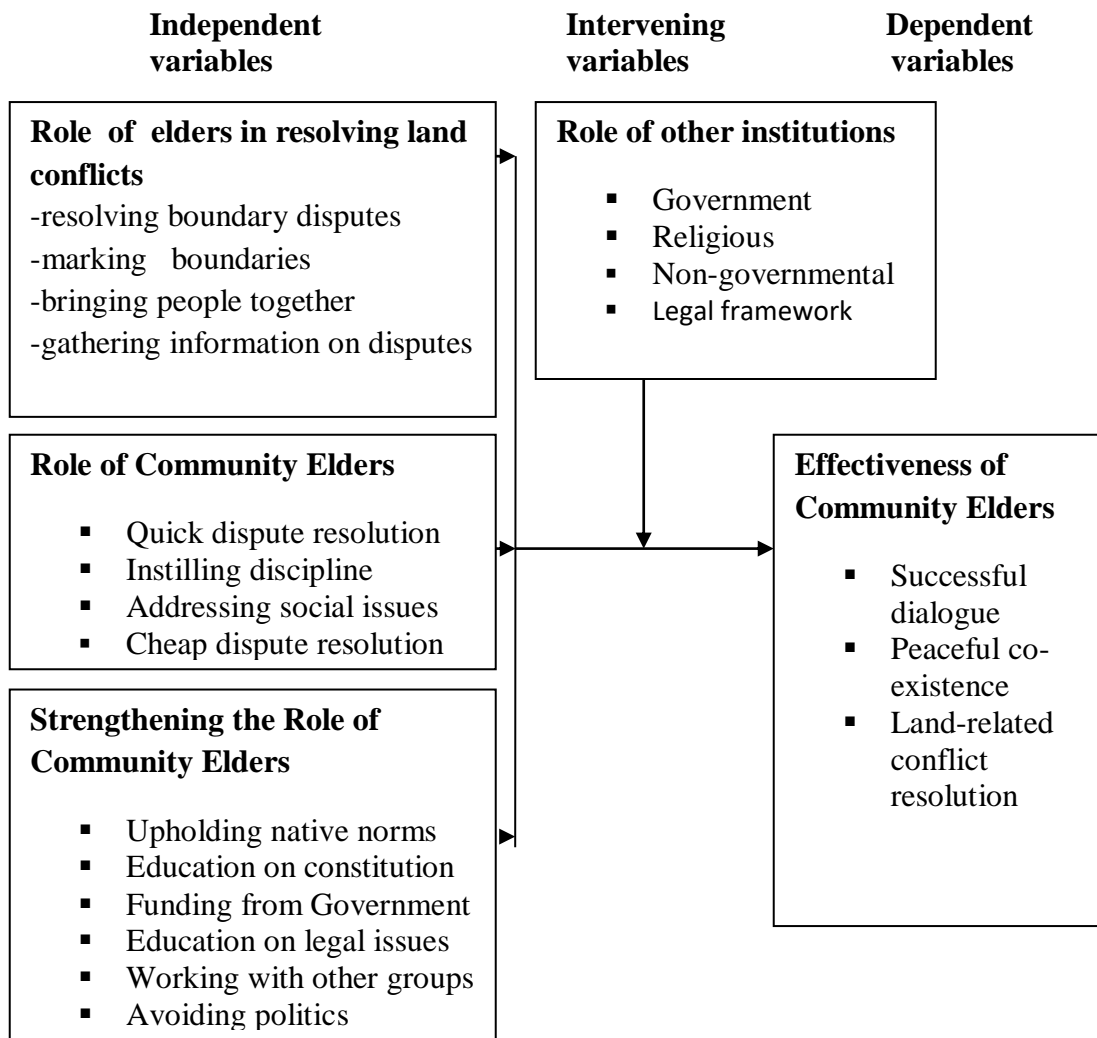


Figure 2.1: Conceptual Framework

Source: Author

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

The section contains the research design, a description of the study area, target population, sampling techniques and sample size determination, instruments of data collection, pretesting, validity and reliability of data collection instruments, data collection techniques and procedures, data analysis, presentation and interpretation, and ethical considerations in the study. The study adopted both quantitative and qualitative research methods.

3.2 Research Design

The study used descriptive survey research design. A descriptive study design approach is essential for a study on people's views and attitudes on social issues. The survey involved describing, reading, analyzing, and interpreting conditions that exist. The study also described, investigated, and explained the respondent's attitudes and opinions on the role of elders in land-related conflict management in Rongai Sub-County from 1998 to 2008. The research design was, therefore, appropriate for this study. The plan was also flexible as it allowed the researcher to collect qualitative data.

3.3 The Study Area

The study was carried out in Rongai Sub-County of Nakuru County, Kenya. Rongai Sub-County is located at coordinates 0°30'S 36°0'E. The sub-County covers an approximate 1,049.10 square kilometers. The Sub-County borders Bahati and Subukia Sub-Counties to the East, Baringo County to the North, Kuresoi North and Molo Sub-counties to the West, and Njoro Sub-County to the South. Rongai Sub-County has a

population of 147,017 people spread in the five wards which are; Soin, Menengai West, Mosop, Solai, and Visoi (IEBC, 2019). The population mainly practice farming and pastoralism. The period of 1996 and 2009, witnessed inter-clan conflicts among various Rongai communities which were so intense. The main cause of this conflict has been as a result of resources which were fueled by political activities. Most of the communities here depend on the pastoralism and farming that conflict with each other resulting into conflict. This has resulted into human and non-human disruption. The major problem for the residents is the sporadic land- related skirmishes around general elections. Rongai Sub-County was selected purposively because it is a hotbed of land-related conflict among the Kikuyu and Kalenjin.

3.4 Target Population

The target population of the survey was the people of Rongai Sub-County as well as the elders and opinion leaders. There are an estimated 147,017 people in the County and over 500 elders and community leaders who comprised the target population in the study (Kenya National Bureau of Statistics, 2019). The target population of the study therefore was determined at 500 entities to represent the community under study. A population of 500 was sufficient to represent the study.

3.5 Sample Size

The sample size in the study was determined using Mugenda and Mugenda (2003) formula for sample size determination. According to Mugenda and Mugenda a sample size of between ten and thirty percent is adequate in a research study. A sample of 151 out of 147,017 was therefore chosen for this study.

3.6 Sampling Techniques

The study used two methods of sampling namely purposive and snowballing techniques. Purposive sampling was used as it allowed units of the sample to be selected by personal judgment or convenience and irrespective of whether they are representative of the population or not. The technique allowed the researcher to use cases that have the required information concerning the objectives of the study. In the snowball sampling technique, the respondents were asked to assist the researcher in identifying other potential participants with the specific range of information that the researcher was interested in, e.g. locating the community leaders. The researcher chose purposively and snowballing techniques of sampling because the target population was large and spread in a vast area. Also, qualitative researches such as this required that the researcher took the most accessible or the one that the researcher could spend the most time with. The two techniques enabled the researcher to achieve this.

The study, therefore, purposively selected the study area as well as elders from each of the five wards of the Sub-County for the questionnaires, Focus Group Discussions (FGDs), and in-depth interviews. The five wards were; Soin, Menengai West, Mosop, Solai, and Visoi. Also, the researcher used the snowball technique to select opinion leaders for in-depth interviews. Members of all these groups gave sufficient information on the study subject. The study, therefore, used a sample size 151 respondents for the questionnaires, five groups for the FGDs, and 13 participants for in-depth interviews. As noted above, every ward produced one FGD comprising of eight elders.

On the other hand, 13 respondents who were selected through the snowball technique participated in in-depth interviews. The respondents comprised of elders, some ordinary citizens, and opinion leaders. The sample size of 13 participants for in-depth interviews was arrived at based on the saturation principle. Tables 3.1, 3.2, and 3.2 summarizes how the sample sizes were picked.

Table 3.1: Sampling Frame

Ward	Total Population	% of Total study Population	Total No. Sampled
Soin	31,499	100	31
Visoi	28,209	100	30
Menengai	35,438	100	30
Mosop	30,556	100	30
Solai	21,315	100	30
Total	147,017	500	151

Table 3.2: Sample Size for the FGDs

Ward	Number of Groups
Soin	1
Visoi	1
Menengai	1
Mosop	1
Solai	1
Total	5

Table 3.3: Sample Size for the In-depth Interviews

Category	Number of Groups
Kalenjin Elder	2
Kikuyu Elder	2
Administrator	1
Gusii Elder	1
Peasant Farmer	1
Pastor	1
Indian Farmer	1
White Farmer	1
Turkana Elder	1
Teacher	1
Business Lady	1
Total	13

3.7 Data Collection Instruments

The researcher employed the use of semi-structured questionnaires, interview schedules for conducting in-depth interviews a (IDIs and Focus Group Discussion (FGDs) guides. semi-structured questionnaires were used since they are suitable for gathering quantitative data. Semi-structured questionnaires were also chosen since they allowed the researcher to collect data within the convenience of the respondents. This was enabled by collecting information both by using clustering in-depth schedules and FGDs guides were used since they are ideal for the collection of qualitative data. Focused group discussions were chosen since it allowed the researcher to understand the study phenomenon through the interaction and understanding of the opinions of the people. Through FGDs, the researcher was also able to ask for clarifications and reframe questions to understand the issues correctly. The type of data collection also saved time since the researcher was able to interact

with a large number of people at one and get the right information.

Secondary sources of data were also used to collect the data using an intensive review of the literature. The choice of secondary data in the survey was due to the fact that the researcher was able to obtain the information at convenient and appropriate time. Secondary data also enabled the researcher to make inferences based on the findings of other researchers.

3.7.1 Validity

To achieve validity, the researcher ensured the collected information was transmitted within the essential social context and that the study probed for deep understanding than a mere examination of surface features. The data collection tools were structured well to ensure that they had internal validity. The research assistants were also trained on how to introduce the study to the participants without introducing any form of bias.

3.7.2 Reliability

Reliability check was done using Cronbach Alpha Coefficient Tests for Reliability in the Statistical Program for Social Sciences (SPSS). The inputs for the tests were from the pretests. According to the reliability tests, results which are higher than 0.75 indicates good reliability. The tests, therefore, were done to ensure that the study tools produced consistent results before the data collection.

3.8 Data Collection Techniques and Procedures

Data was collected using secondary and primary methods. The researcher held discussions with FGDs and also Target informers. The researcher obtained the required permission from the School of Humanities and Social Sciences, the County Commissioner's office, Nakuru and National Commission for Science, Technology and Innovation (NACOSTI). Permission to access primary data from the offices of individuals, state and non-state actors was also sought. The researcher then booked appointments with the concerned custodians of primary data, the groups and the interviewees. The specific data collection techniques and procedures are as discussed below;

3.8.1 Secondary Data

The secondary data for this study was collected from the available online sources and Kenyatta University Library. The data sources were majorly the published findings from other scholars. Unpublished data sources were also used to gather secondary data. Published data were available in various publications of the central and county governments, various publications of foreign governments and international organizations, books, magazines, newspapers, reports by research scholars and universities. The sources of unpublished data included letters, minutes of peace meetings, peace training manuals, and unpublished works by scholars and researchers. The data collection method and technique fitted the study because it enabled the researcher to get data at his/her own convenient time. The documented data was then critically examined and analyzed.

3.8.2 Semi-structured Questionnaires

Pre-tested semi-structured questionnaires were administered to the respondents by a trained research assistant. The administration of the questionnaires involved translating them into the local language since they were written in English. The questionnaires extracted information such as the socio-demographics of the respondents. There was another section on the role of community leaders in solving land-based conflicts. Lastly, there were other sections on ways of strengthening mechanisms of community leaders and their effectiveness in managing conflicts. The tool was selected due to its suitability in collecting quantitative data and the fact that it allowed the researcher to survey while seeking clarifications. The tool also enabled the researcher to ask questions in line with the study topic to understand the phenomenon clearly.

3.8.3 Focus Group Discussion

In this method, an FGD Guide was used and stated. This method of data collection was chosen because it enabled the researcher to explore the views of the participants and to generate answers to issues, which could have been more difficult in face-to-face interviews. The researcher selected ten FGD for the interview. The method was also suitable because it allowed the gathering of information even when the respondents happened to be mostly illiterate or semi-literate as in the case in this study. Lastly, this approach reduced the amount of time as it generally yielded detailed qualitative information from a relatively large number of discussants assembled in one place. The FGD were selected from the study population through the help of area chiefs. The FGDs comprised of 8 to 12 members according to Fern (1982). The FGDs were

conducted at the local chiefs' office by the lead researcher who introduced the topics and then allowed the members to contribute. A note taker wrote down important comments and recordings were done and later transcribed to ensure that no information was left out.

3.8.4 In-depth Interviews (IDI)

All interviews were conducted. Informally the informal structure was preferred because the researcher felt that it created a more relaxed atmosphere and consequently encouraged complete and spontaneous response from the interviewees. The in-depth interview was selected because of three reasons. First, it helped to verify the reliability of the information gathered by the focus group discussion and secondary data analysis. Second, the technique was useful in checking in-depth knowledge that could not have been found in other methods especially among the illiterates. Third, the approach created confidence on the part of the respondents, and as they gained interest in the subject, more reliable, valid, and objective results were obtained. The technique was particularly notable among the respondents who were reserved, conservative, and secretive.

3.9 Data Analysis

The quantitative data were entered into the Statistical Program for Social Sciences (SPSS version 22.0) after data cleaning. Data analysis was then done using descriptive statistics. For the qualitative data from FGDs and IDIs, the study adopted thematic analysis. The process involved classifying information on various categories of responses for each objective from the respondents and combining them into emerging

themes. Data classification involved transcribing the data, re-familiarization with the data, coding the data, and finally producing the report. The data was then interpreted and presented based on these categories and themes.

3.10 Ethical Considerations

The researcher sought approval from the Kenyatta University Graduate School. Ethical clearance was also sought from Kenyatta University Ethical and Review Committee. A permit to conduct the research was also obtained from the National Council for Science, Technology, and Innovation (NACOSTI). A research authorization to do the study was sought from Nakuru County Commissioner as well as the respective sub-counties. Informed consent was sought before responding to the questionnaires. To ensure ethical issues, the researcher obtained verbal approval from the respondents. The participants were also informed of the study objectives, methods, and the relevance of the study. The participants were assured of anonymity and confidentiality by coding their voices, and no one was coerced into participating in the study. The researcher ensured that all respondents were treated with respect and their privacy was observed. The researcher provided the respondents with his contacts in case they wanted to contact him in future for any queries or clarifications.

CHAPTER FOUR: FINDINGS, DATA ANALYSIS AND DISCUSSIONS

This chapter discusses the background information, socio-demographics of the respondents, gender of the respondents, age of the respondents, education level, the results of the study conducted in Rongai Sub-County as per the objectives of the study and finally It summarizes the role of elders and the ways of strengthening the role of elders.

4.1 The Background Information

This section entailed socio-demographics of the respondents, gender of the respondents' age of the respondents and education level.

4.1.1 Socio-Demographics of the Respondents

The respondents were drawn from five wards in Rongai sub-County, and their respective numbers are as discussed in chapter three. A total of 151 respondents responded to questionnaires.

4.1.2 Gender of the Respondents

The inclusion criteria were all the residents in Rongai Sub-County who were above 18 years. 151 respondents were sampled since they were expected to be aware on the role of elders in resolving land-related conflicts in the area. The findings indicated that the majority of the interviewees were females at 79 while a minority were males at 72.

The socio-demographic characteristics of the respondents are as shown in Figure 4.1.

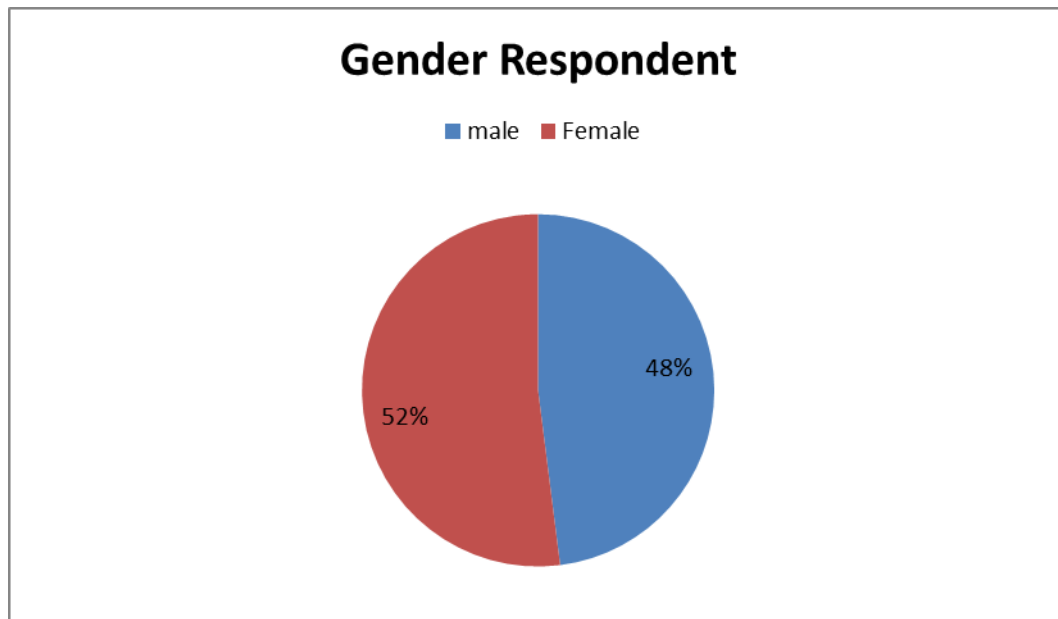


Figure 4. 1: Gender of the Respondents

The findings on the gender concur with Kariuki (2015); Bond (2014) who carried out studies in Kenya and noted that in household-based surveys especially in a rural setting, a high number of the respondents is likely to be female. The reason being in most cases, females are left at home to take care of the children and to do house chores. Berger (2003) in his study in Northern Kenya also noted that in many semi-nomadic sets up, men are less likely to spend their day at home since they go to the fields to take care of livestock.

The sampled residents participated in the study actively and explained their positions clearly as they were conversant with the role played by elders in peace. The reason behind the findings is that in most cases, females are left at home to take care of the children and to do house chores. Berger (2003) in his study in Northern Kenya also noted that in many semi-nomadic sets up, men are less likely to spend their day at

home since they go to the fields to take care of the livestock. This findings on the gender concur with Kariuki (2015); Bond (2014) who carried out studies in Kenya and noted that in household-based surveys especially in a rural setting, a high number of the respondents is likely to be female. This is because most of the male gender are involved in grazing of the livestock and working during day time which collided with the researcher's schedules of data collection.

4.1.3 Age of the Respondents

On the age group of the respondents, a majority of the respondents were in the age bracket of 40 to 50 years at 71. The least number of the interviewees were aged at more than 60 years at 5.

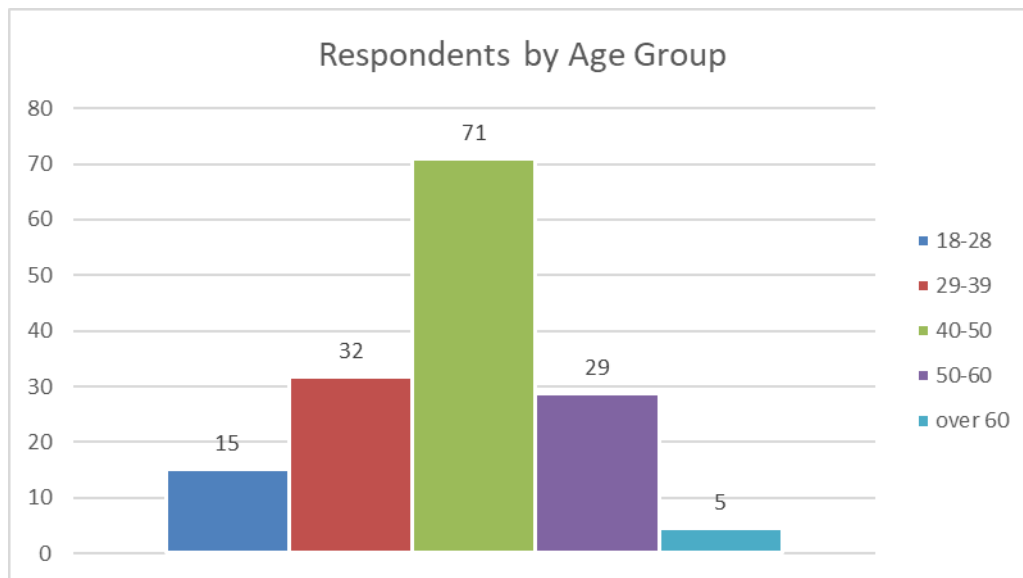


Figure 4. 2: Age of the Respondents

The results of the age group demonstrate the middle group who stay in the homes handling domestic chores were available for data collection. The younger age is mostly in schools according to the findings by Abuso (1980). The findings concur with the

results from this study since people of 18 to 28 years were few. Chepman & Kagaha (2009) in their study found out that young people were not available at the rural area since they were seeking for employment in urban centres. The case was depicted in this study.

However, the study findings do not concur with Kariuki (2015) who observed that a majority of people living in rural areas are people of the age above 50 years since they had ventured into businesses and agriculture near where they reside. The variations can be as a result of the nature of the study population given that the current study was carried out in areas with diverse groups.

The findings indicated that the age of respondents showed that most of those who participated in the study were the middle and older group who tend to home and farm matters as the younger residents either go to school or are away from home due to other activities. The findings concur with the results from this study since people of 18 to 28 years were available during the data collection process. Chepman & Kagaha (2009) found out that young people are either in schools or in urban areas where they look for employment.

4.1.4 Education Level

On the education level of the respondents, a high percentage of the interviewees had attained primary level of education at 53%. A significant number of respondents standing at 15% had not acquired formal education,

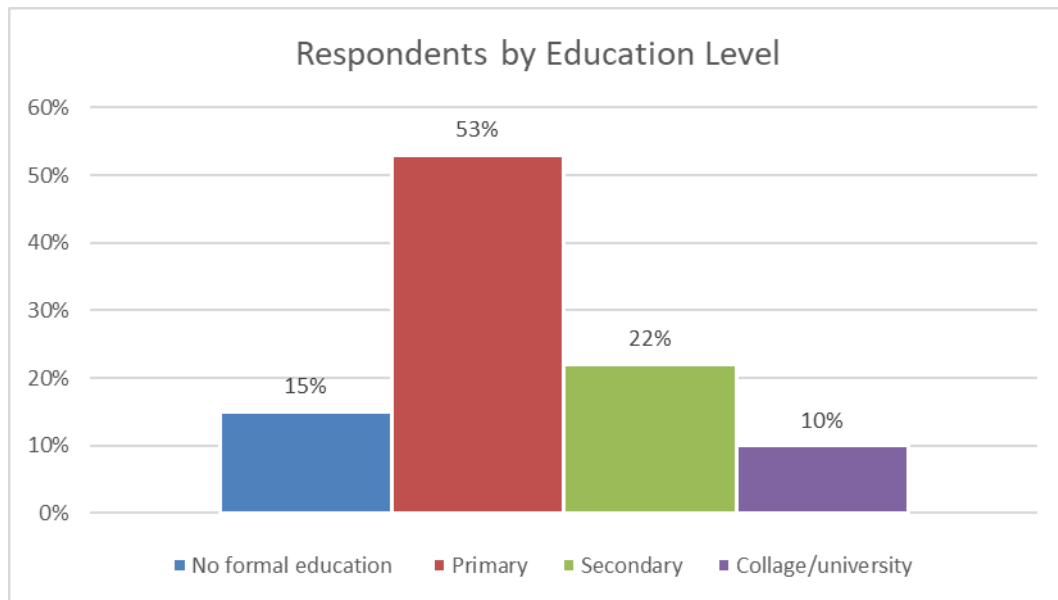


Figure 4. 3: Education level of the respondents

The study found that the education level of the respondents concurs with Bond (2014) who carried out a study in Laikipia County of Kenya and observed that a majority of the rural population had attained primary qualification as their highest education level. However, the study does not concur with Berger (2003) who carried out a study in Northern Kenya and observed that a high number of the rural population had attained secondary education. The difference can be explained by the variations of the study area as well as the prevalent clashes which hinder learning. The nomadic people in the area may also have contributed to the low education qualifications as observed by Bolling (2010); Chapman & Kagaha (2009) in their studies in North West Kenya and Uganda respectively who noted that nomads have not fully adopted learning due to their migration habits.

The study participants were given questionnaires at their homesteads using a simple random sampling. Most of the people who responded were from the following major tribes Kikuyu and Kalenjin. The study also found that also there a few Luo, Luhya, and Meru communities in the area.

4.2 The Role Played by Elders of the Community in Resolving Conflicts Related to Land in Rongai Sub-County between the years 1998 and 2008

In this section under the objective one presented the data on the level of agreement in the role of elders in resolving land-related conflicts in Rongai Sub-County. According to the views of elders from different ethnic community; They, intervene in all conflicts, resolve all land conflicts, resolve political conflicts, resolve ethnic related conflicts, resolve conflicts related to customs, conflicts related to marriages, solve illegally acquired land conflicts, are respected by all communities and lastly followed by discussion.

4.2.1 The Level of Agreement on the Role of Elders in Resolving Land-Related Conflicts in Rongai Sub-County According to the Views of Elders from different Ethnic Community

The respondents were enthusiastic and eager to participate in the study for the sake of peace in Rongai Sub-County. The ethnic balance was attained in the participation level. The respondents who participated in this study included 70 Kikuyu elders, 60 Kalenjin elders, 11 Kisii elders and 8 Luhya elders. These respondents agreed that elders in Rongai Sub County played a big role in resolving land-related conflicts. This represented 79.5% (120) agreeing and 19.9% (31) strongly agreeing with the view.

Below is Figure 4.4 showing the level of agreement by elders drawn from different ethnic groups living in Rongai Sub-County.

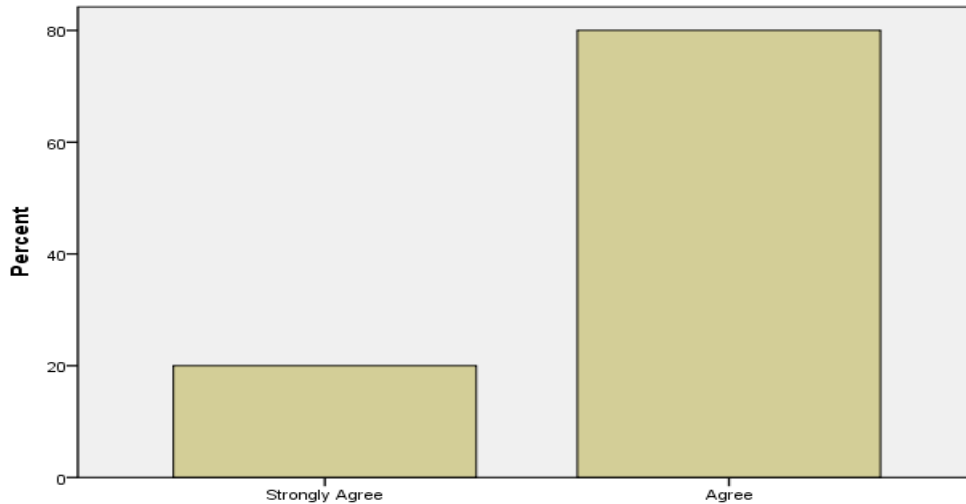


Figure 4. 4: Showing the Level of Agreement on the Role of Elders in Resolving Land-Related Conflicts in Rongai Sub-County According to the Views of Elders from different Ethnic Community

4.2.2 The Elders are able to intervene in Conflicts in Rongai Sub-County

The given data in Table 4.1, indicates that majority of the respondents 59.6% (90) mutually agreed that the elders are able to intervene in all land-related conflicts in Rongai Sub-County, where 19.9% (30) represent those who agree and 39.7% (60) those who strongly agree. Conversely, 39.7% (60) were not sure.

Table 4.4: The elders are able to intervene in conflicts in Rongai Sub-County

The elders are able to intervene in conflicts in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	60	39.7	40.0	40.0
	Agree	30	19.9	20.0	60.0
	Not Sure	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.2.3 The Elders are able to Resolve Land Conflicts in Rongai Sub-County

The data in Figure 4.5 below, indicates that 39.7% (60) Strongly Agreed that elders are able to resolve land conflicts particularly on disputes based on boundaries, beacons, grazing grounds, water points and market places in Rongai Sub-County whereas the majority of the respondents 60% (60) were not sure.

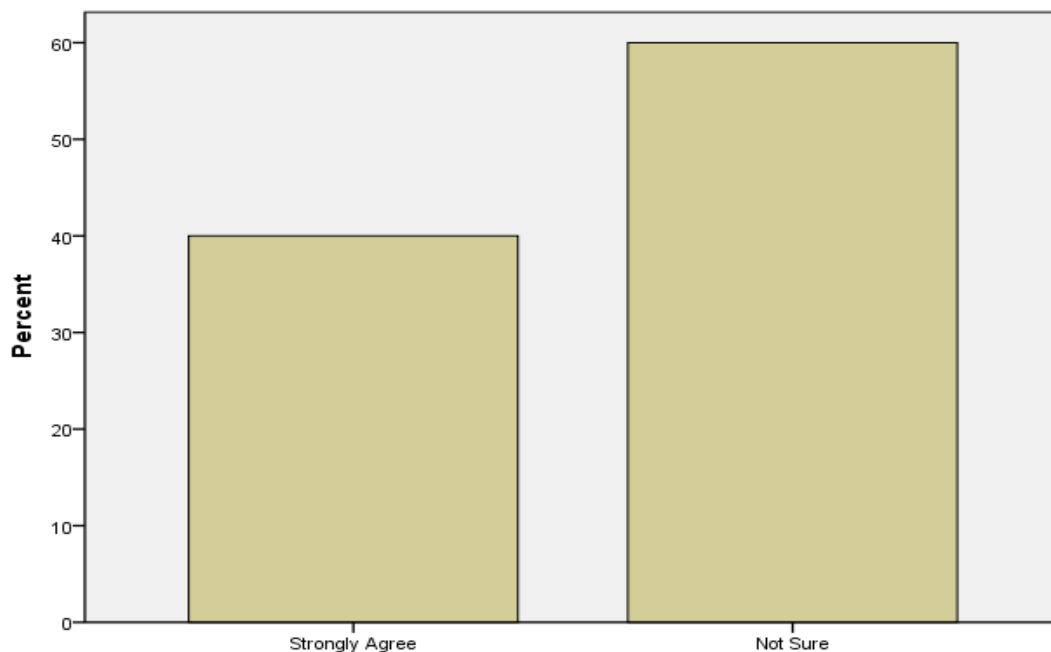


Figure 4. 5: The elders are able to resolve land conflicts in Rongai Sub-County

4.2.4 The Elders are able to Resolve Political Conflicts only in Rongai Sub-County

The data in Table 4.2, shows that majority 59.6% (90) of the respondents disagreed that the elders are able to resolve political conflicts only in Rongai Sub-County. On the other hand, 19.9% (30) agreed whereas 19.9% (30) were not sure about the view.

Table 4.5: The Elders are able to Resolve Political Conflicts only in Certain Situations

The elders are able to resolve political conflicts only in certain situations					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	30	19.9	20.0	20.0
	Not Sure	30	19.9	20.0	40.0
	Disagree	90	59.6	60.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

From the above table, Most of the respondents were not sure on the view of the elder's ability to intervene in all conflicts. This low response on the ability of elders to resolve land conflicts can be explained from the political point of view. In Kenya, the politics is structured around ethnic loyalty and covers all ethnic groups. Some conflicts which have political implications are difficult to resolve outside the political structures hence it was noted that during elections that political disputes are not resolvable at village or sub-County level with loyalty to two dominant communities. Hence the inability of elders in Rongai Sub-County. Most of the conflicts in Rongai Sub County occur because of political differences between Kikuyus and Kalenjins. This started during Moi era when politics targeted those opposed to the leadership of the day. This political

angle affected the economic activities in Rift Valley including Rongai Sub-County. During this period tension between the two communities that is Kikuyu and Kalenjin. Two chiefs interviewed in Menengai West explained that during the period of political cooperation between 2013 and 2017 there was political cooperation which helped them to ease tensions between the ethnic communities living in Rongai Sub- County. Today the various communities can socialize together and do not have heightened economic competition. This was demonstrated during the study period in wards like Visoi and Menengai during FGDs it was possible to hold discussions with residents from different ethnic groups. This helps to confirm that, there is enough understanding among the ethnic groups which enables the elders from both. Kikuyu and Kalenjin communities to be able to resolve land-related conflicts among the communities in Rongai Sub-County. (FGD 1, 11/06/2019) in this study also stated that:

“Although there were differences between ethnic groups living in the Rift Valley before 1991, the differences became more pronounced after Kenya reintroduced multi-party politics in 1991. At the end of 1992, election campaigns were launched amidst the tense situation in the region. Some places have experienced unprecedented violence.”

4.2.5 The Elders are able to Resolve Ethnic Related Conflicts on in Rongai Sub-County

As shown in Figure 4.6 below, majority of the respondents agreed that the elders are able to resolve ethnic related conflicts on in Rongai Sub-County where 19.9% (30) strongly agreed and similarly 39.7% (30) simply agreed. 39.7 % (60) of the respondents were not sure on elder's ability to intervene in all conflicts. The elders are able to intervene in boundary disputes, in grazing pasture, in water points and on disagreements between communities on minor issues. Minor issues here refer to cases where there are cases of disputed land without titles or grabbed land where there is no clear owner. In most cases the community elders used mediation methods which involve the use of neutral third party (community elder) to resolve the land-related conflict between community or village representatives. By so doing they could come to a consensus and resolve the matter. Most of the time the elder were able to use the mediation method successfully and resolve the problem. This method was appropriate in managing the community land related conflict as the warring parties agreed to successfully come into consensus over the land disputes.

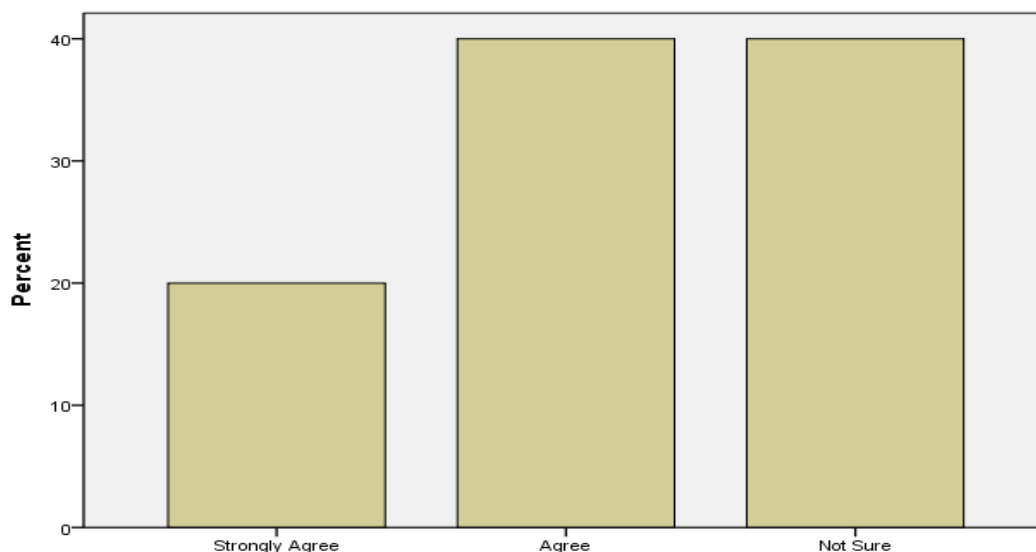


Figure 4. 6: The Elders are able to resolve Ethnic Related Conflicts on in Rongai Sub-County

4.2.6 The Elders are able to Resolve Conflicts Related to Political Matters in Rongai Sub-County

As shown below in Table 4.3, 19.9% (30) of the respondents disagreed the elders are able to resolve conflicts related to political matters in Rongai Sub-County. In contrast, 39.79% (60) agreed whereas 39.79% (60) were unopinionated on the view.

Table 4.6: The Elders are able to Resolve Conflicts Related to Political Matters in Rongai Sub-County

The elders are able to resolve conflicts related to political matters in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	60	39.7	40.0	40.0
	Not Sure	60	39.7	40.0	80.0
	Disagree	30	19.9	20.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.2.7 The elders are able to resolve conflicts related to customs in Rongai Sub-County

The data in Figure 4.7 below shows that 39.7% (60) agreed that the elders are able to solve conflicts related to customs in Rongai Sub-County whereas the majority of the respondents 59.6% (90) were indifferent to the view.

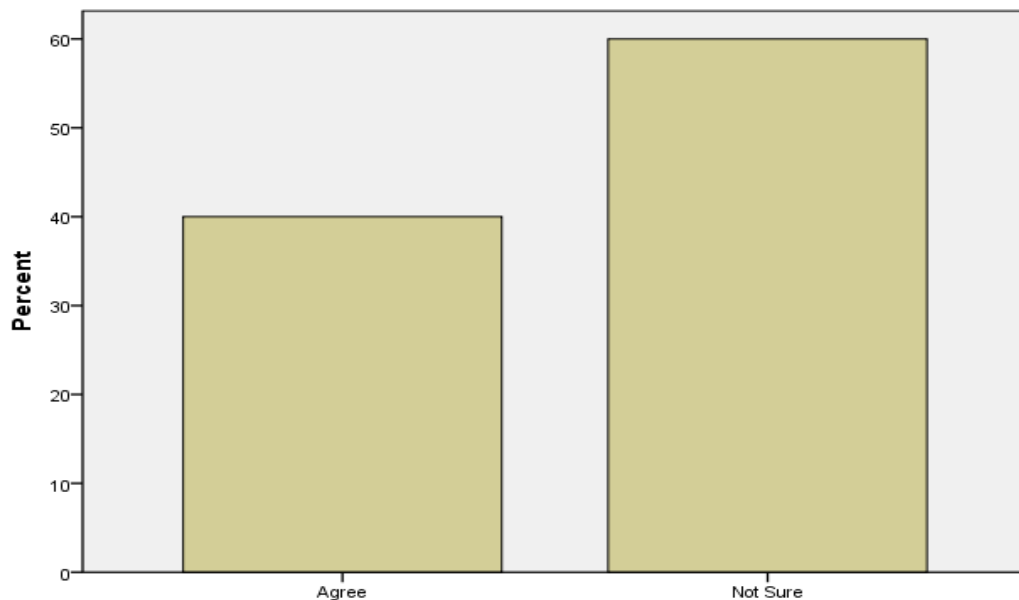


Figure 4. 7: The Elders are able to solve Conflicts Related to Customs in Rongai Sub-County

4.2.8 The Elders are able to Solve Conflicts Related to Marriage Conflicts in Rongai Sub-County

As shown below in table 4.4, 59.6% (90) agreed that the elders are able to solve conflicts related to marriage conflicts whereas 39.7% (60) respondents were indifferent to the view in Rongai Sub-County.

Table 4.7: The Elders are able to Solve Conflicts Related to Marriage Conflicts in Rongai Sub-County

The Elders are able to Solve Conflicts Related to Marriage Conflicts in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	90	59.6	60.0	60.0
	Not Sure	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.2.9 The Elders are able to Solve Illegally Acquired Land Conflicts in Rongai Sub-County

The figure 4.8 below shows that most respondents generally agreed the elders are able to solve illegally acquired land conflicts in Rongai Sub County where 39.7% (60) strongly agree and 19.9% (30) agree. 19.9% (30) indifferent to the view and 19.9% (30) disagreed. This was attributed to the numerous cases that this study was able to find out. Also the respondents totally agreed that they were able as shown below.

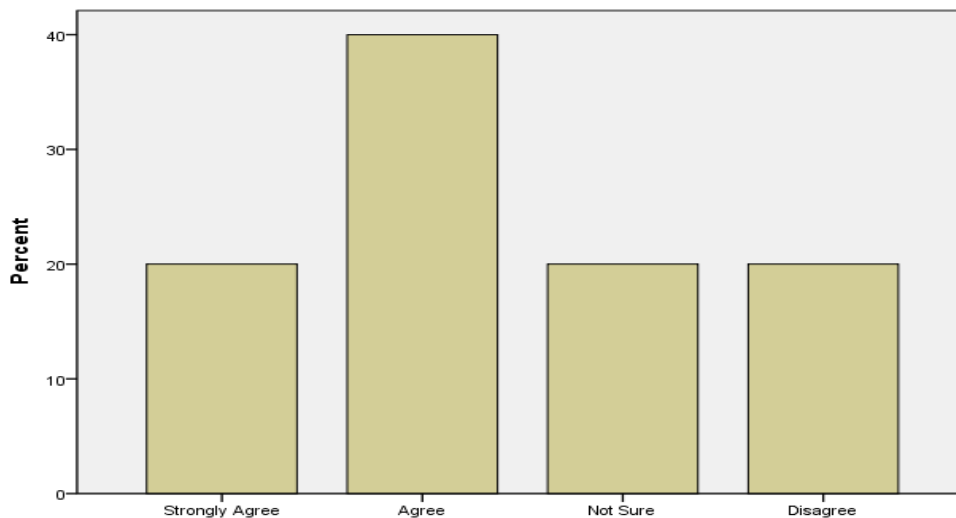


Figure 4. 8: The Elders are able to Solve Illegally Acquired Land Conflicts in Rongai Sub-County

4.2.10 The Elders are not able to Resolve Land Conflicts in Rongai Sub-County

The data shows in table 4.5 below, majority of the respondents 79.5% (120) disagree that the elders in Rongai sub-County are not able to resolve land conflicts whereas 19.9% (30) of Agreed that that they were able to resolve land conflict in Rongai Sub-County.

Table 4.8: The elders are not able to Resolve Land Conflicts in Rongai Sub-County

The Elders are not able to Resolve Land Conflicts in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	30	19.9	20.0	20.0
	Disagree	120	79.5	80.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.2.11 The Elders are not able to Resolve Conflict Raised by Illegally Acquired Land Conflicts in Rongai Sub-County

The data shows in Figure 4.9 below, most of the respondents generally disagreed that the elders are not able to solve land grabbing conflicts where 59.6% (90) disagree and 19.9% (30) Strongly disagree. 19.9% (30) agree with this view.

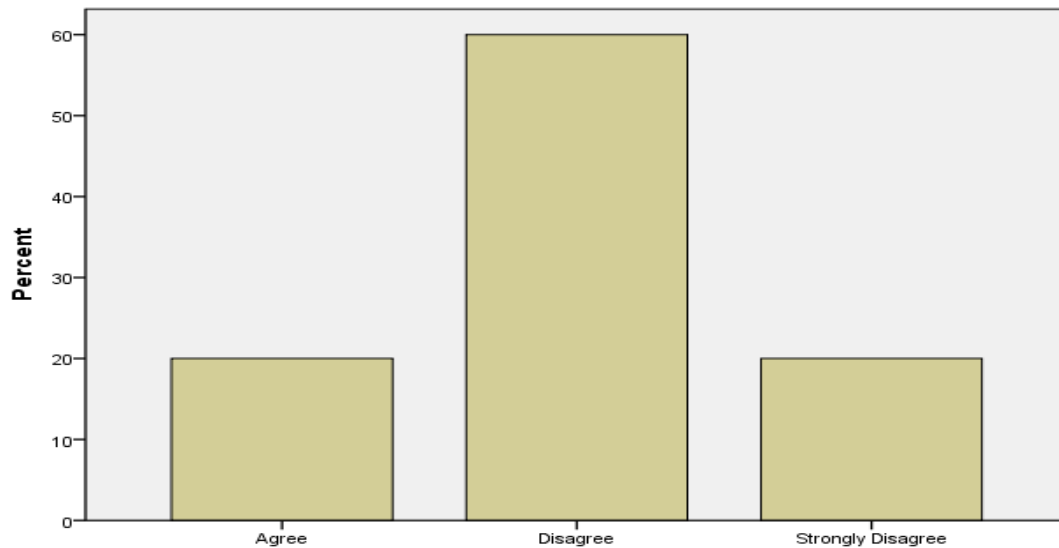


Figure 4. 9: The Elders are not able to Solve Land Grabbing Conflicts In Rongai Sub-County

4.2.12 Elders are able to resolve all Land-Related Conflicts in Rongai Permanently

The data shows in table 4.6 below, majority of the respondents 79.5% (120) were not sure whether Elders are able to resolve all land-related conflicts in Rongai permanently whereas 19.9% (30) of respondents disagree with this view. With the regard to the above matter. It was noted that community elders had solved the historical land related conflict as they were aware of the land ownership and rights. Therefore many cases did not advance to the formal judicial systems as this land related conflicts cases were solved permanently.

Table 4.9: Elders are able to resolve all Land-Related Conflicts in Rongai Permanently

Elders are able to Resolve all Land-Related Conflicts in Rongai Permanently					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	120	79.5	80.0	80.0
	Disagree	30	19.9	20.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.2.13 Elders in Rongai are able to Resolve Land Conflicts for a Temporary Period Only

As shown below in Figure 4.10, 19.9% (30) of the respondents agree Elders in Rongai are able to resolve land conflicts for a temporary period only. In contrast, 39.79% (60) disagree that the conflicts are solved temporarily whereas 39.79% (60) were of an indifferent in the view. With the regard to this finding, most respondents attributed majority of land related conflict cases were solved permanently through the use of community elders.

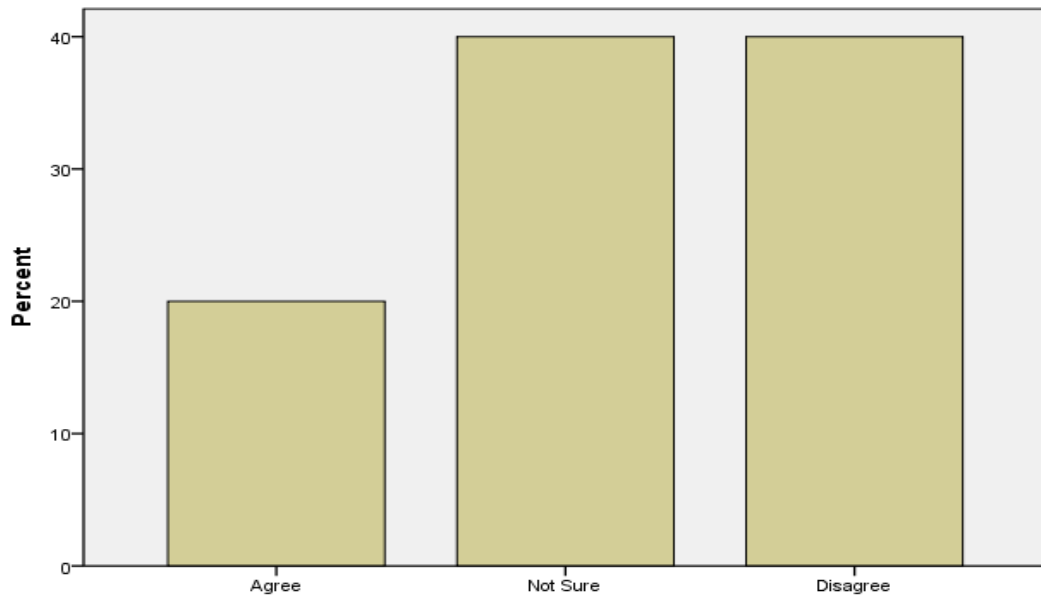


Figure 4. 10: Elders in Rongai are able to resolve land conflicts for a temporary period only

4.2.14 Elders in Rongai are Respected by all Communities in Rongai Sub- County therefore they can Resolve Conflicts among all Communities

As shown in Figure 4.11, respondents from Kikuyu and Kalenjin communities 79.5% (120) agree Elders in Rongai are respected by all communities in Rongai Sub-County therefore they can resolve conflicts among all communities whereas 19.9% (30) of respondents said no. The Kikuyu and the Kalenjins living in Rongai are aware that they need to have some survival arrangement if they have to live in Rongai. Most of the people interviewed in Rongai Sub-County respected the institution of community elders, and claimed that the problem of the land-related conflict has been highly evaluated. However, in other matters, community elders also commanded respect in dealing with the disputes. One of the elder pointed out as follows (IDI 1, 05/05/2019):

“if the old man is respected and evaluated. He is in a conflict. All members of the community, especially young people, complain about disputes that must be resolved by elder, possess their properties and the whole future.”

Therefore, they accepted to forgo their differences for the sake of survival in relation to the theory fronted by Heilbroner. According to Materialist interpretation of history theory by, Heilbroner, (1967) and Kent, (2000) argue that it is not consciousness that determine existence but social existence that determines consciousness. This is because whereas existence is universal, consciousness is a creation of a localized group for their own good and identity. Creation being an entity under existence (note; that God exists but was not created), creation is much lesser as compared to existence. Thus, whereas existence is always beyond human manipulation, conscience is more often a process of inclusion or exclusion for convenience. In Kenya, the following can be singled out as the effects of materialist interpretation of history Theory In the key elements of material view, in social production of their existence, men inevitably enter into definite relations. This theory explains why the elders are able to carry out the conflict resolution function because survival in Rongai is more important than having constant conflict.

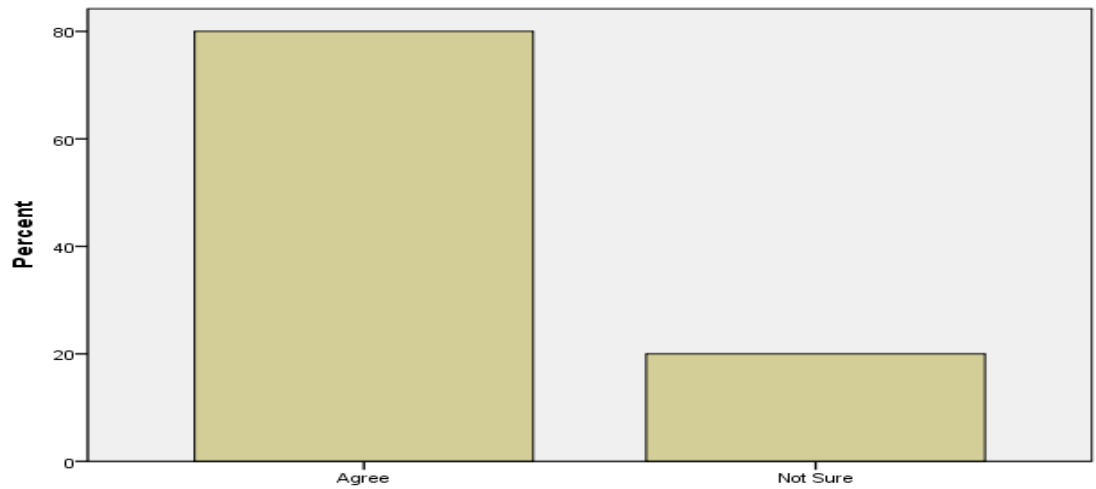


Figure 4. 11: Elders in Rongai are respected by all communities in Rongai Sub-County therefore they can resolve conflicts among all communities

Discussion

According to the findings, community elders used traditions and customs which bring people together through the use of different reconciliation mechanisms (Mulikuza, 2015). The community selects the elders for dispute resolution depending on their knowledge on the traditions, customs and talents among the individuals on conflict management, and their reputation. According to Umubyeyi & Mtapuri, (2019) the Ambo community of Ethiopia has effectively relied on the community elders in resolving conflicts among disputants which include land-related conflicts. The findings on the nature of the conflict resolution mechanisms that are used by the elders concur with Pankhurst (2003) who found out that arbitration, mediation, negotiations, and reconciliation are commonly used in many societies. The findings asserted that conciliation is a widely used method of dispute resolution. The observation concurs with Mulikuza (2015) who argues that elders restore social ties and harmony through mediations by understanding the underlying issues between the disputants.

The findings on the role of the community elders concur with Brock-Utne (2001) who notes that elders offer quick dispute resolution as compared to the formal judicial system. The studies also concur with Moumakwa (2011) who notes that elders address social issues, provide cheap dispute resolution, and provide services which are not corrupt. The findings also concur with Mulikuza (2015) who holds that elders instill positive norms and offer quick ways of resolving conflicts.

A high number of the respondents (120) knew of the existence of community elders within the area. Further, a majority (80) of the respondents felt that community elders in Rongai Sub-County are respected. Another 40 of the interviewees thought that the elders have a significant role to play in solving land-related disputes in the region.

From the FDGs, it emerged that the members felt that the elders play a pivotal role in conflict management. A (FGD 2, 20/06/2019) participant argued that

“The community in this area obey and respect elders. The elders have been at the forefront in solving disputes especially those which occurred in 2007/2008 post-election violence.”

Another (FGD 3, 22/06/2019) participant said that

“Elders are the main players when it comes to peace and prosperity of the communities which live in Rongai. While the politicians sometimes fuel the conflicts, the elders always stand with the truth for the peaceful co-existence of the people.”

A participant in the (IDI 2, 10/05/2019) shared similar sentiments stating thus;

“We need our elders because they play an essential role in conflict resolution. While the courts are expensive and time-consuming, elders serve justice under these trees. We treasure them, and we respect their resolution.”

The findings concur with Kariuki (2015) who acknowledges the role of elders in dispute resolution. He posit that elders are the peacekeepers in the society and they play a significant role in facilitating the peaceful co-existence of the community. With this regard, elders are therefore important in the society as in the case of Rongai Sub-County. They were able to solve land-related conflicts culminating to peaceful coexistence among the people.

4.3 The Effectiveness of Elders of the Community in Resolving Land Conflicts Related to Land in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008

This section covered objective two delving into; the respect to community elders by residents of Rongai Sub-County. It also covered the way community elders in Rongai Sub-County were able to solve land-related conflicts, inter-community conflicts. In addition to the above, community elders also held meetings to discuss matters affecting land problems by working together with government officials to resolve land conflicts in Rongai Sub-County.

4.3.1 Elders in Rongai are Respected by all Communities in Rongai Sub-County therefore they can Resolve Conflicts among all Communities

The data in Table 4.7 indicates that most respondents 79.5% (120) agreed that community elders in Rongai Sub-County are respected by the residents while 19.9% (30) of respondents were not sure of the view that elders are respected by the residents of Rongai Sub-County.

Table 4.10: Elders in Rongai are Respected by all Communities in Rongai Sub-County therefore they can Resolve Conflicts among all Communities

Elders in Rongai are Respected by all Communities in Rongai Sub-County therefore they can Resolve Conflicts among all Communities					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	120	79.5	80.0	80.0
	Not Sure	30	19.9	20.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.3.2 Kalenjin Elders in Rongai Sub-County can solve land-related conflicts effectively only among the Kalenjin residents’ communities

The table 4.8 below, shows that most respondents 59.6% (90) agree Kalenjin Elders in Rongai Sub-County can solve land-related conflicts effectively only among the Kalenjin residents’ communities whereas 39.7% (60) of respondents were unopinionated of this view.

Table 4.11: Kalenjin Elders in Rongai Sub-County can Solve Land-Related Conflicts Effectively only among the Kalenjin Residents' Communities

Kalenjin Elders in Rongai Sub-County can Solve Land-Related Conflicts Effectively only among the Kalenjin Residents' Communities					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	90	59.6	60.0	60.0
	Not Sure	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.3.3 Kikuyu Elders in Rongai Sub-County can Resolve Land Conflicts among the Kikuyu Communities Only

As shown in Figure 4.12 , most respondents 59.6% (90) agree Kikuyu Elders in Rongai Sub-County can resolve land conflicts among the Kikuyu communities only whereas 39.7% (60) of respondents were indifferent to this view. Therefore the findings of the study indicated that the Kikuyu residents believed that their community elders in Rongai Sub-County were able to resolve their land related conflicts due to their ethnic backgrounds.

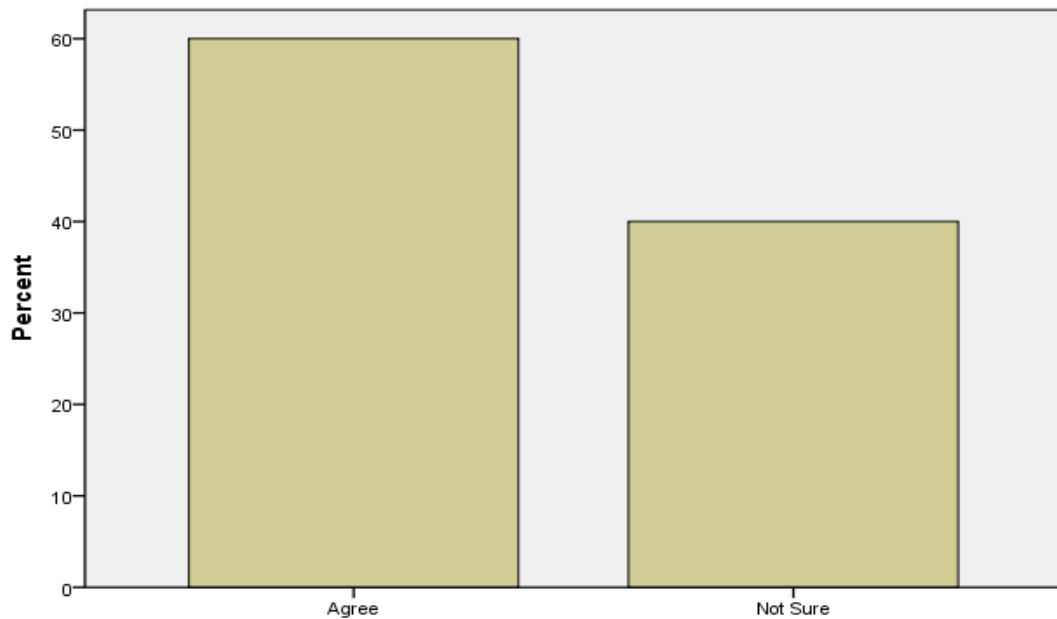


Figure 4. 12: Kikuyu Elders in Rongai Sub-County can Resolve Land Conflicts among the Kikuyu Communities Only

4.3.4 Kikuyu Elders in Rongai Sub-County are able to Resolve Only Conflicts Related to Inter-Community Conflicts

The data in Figure 4.13 indicated that most respondents 59.6% (90) agree Kikuyu elders in Rongai Sub-County are able to resolve only conflicts related to inter-community conflicts as shown in the data whereas 39.7% (60) of respondents were not sure of this view. This finding insinuates that the Kikuyu elders were able to resolve conflicts that emanated from multicultural diversity from different ethnic groups in Rongai Sub-County.

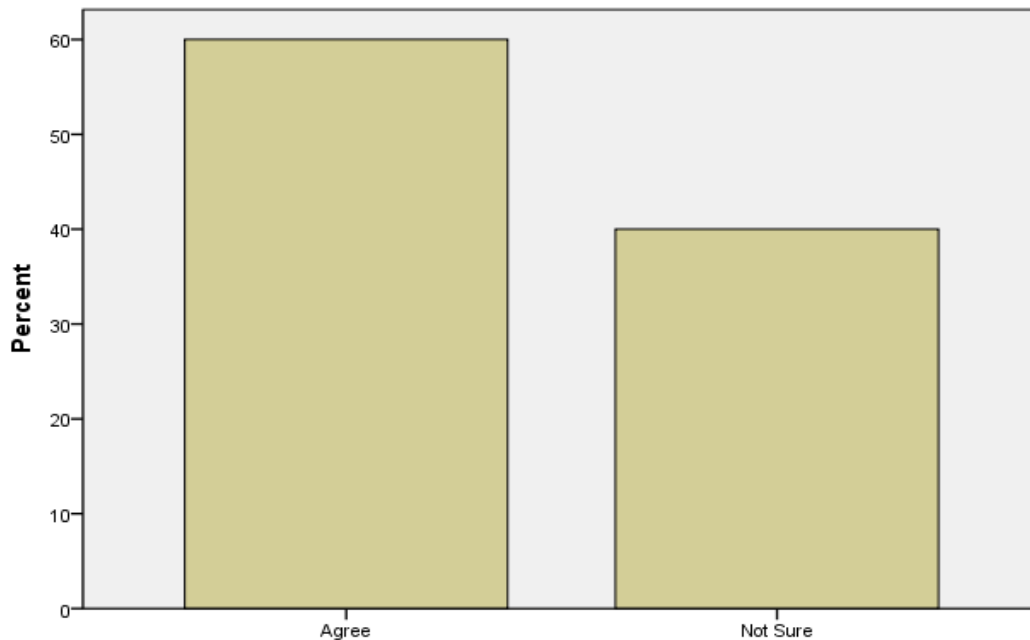


Figure 4. 13: Kikuyu Elders in Rongai Sub-County are able to Resolve Only Conflicts Related to Inter-Community Conflicts

4.3.5 Elders from both Communities namely the Kikuyu and Kalenjin Communities in Rongai usually hold meetings to Discuss Matters affecting Land Problems

As shown below in table 4.9 Majority of the respondents 59.6% (90) were not sure whether Elders from Kikuyu and Kalenjin communities in Rongai Sub-County usually hold meetings to discuss matters affecting land problems whereas 39.7% (60) of respondents agree with this view. This creates a dangerous tension that can erupt under the slightest provocation, such as during contested land disputes or even minor disagreements on land related conflicts. An elder (FGD 4,25/06/2019) said that:

"During this period, even if two men from rival races have a dispute over purely personal matters, it is enough to cause a war between the rival races."

Table 4.12: Elders from both Communities namely the Kikuyu and Kalenjin Communities in Rongai usually hold Meetings to Discuss Matters affecting Land Problems

Elders from both Communities in Rongai usually hold meetings to discuss Matters affecting Land Problems					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	60	39.7	40.0	40.0
	Not Sure	90	59.6	60.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.3.6 Elders from Rongai Sub-County Work Together with Government Officials to Resolve Land Conflicts in Rongai Sub-County

As shown in figure 4.14 below indicated that most respondents 79.5% (120) agree Elders from Rongai Sub- County work together with government officials to resolve land conflicts in Rongai Sub-County whereas 19.9% (30) of respondents disagree with this view. This was manifested by the collaborations between the different ethnic diversities through the involvement of their elders in resolving land related conflicts by organizing peace meetings with the relevant government official both in National and County Government institutions.

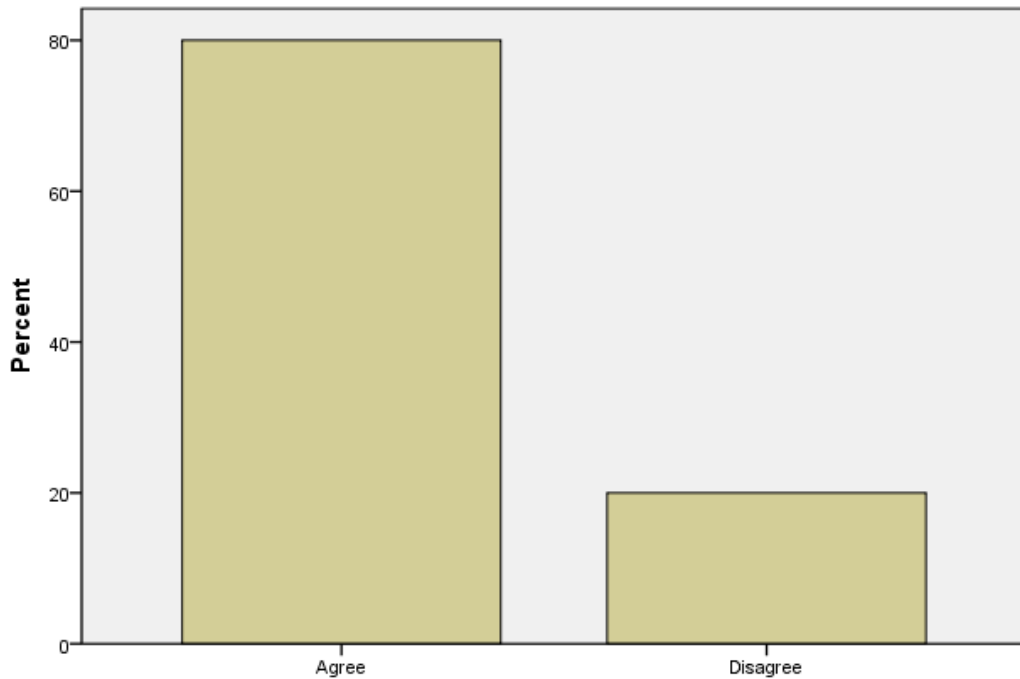


Figure 4. 14 Elders from Rongai Sub-County Work Together with Government Officials to Resolve Land Conflicts in Rongai Sub-County

4.3.7 Elders in Rongai Sub-County don't have Ability to Solve Land-Conflicts among Communities in Rongai Effectively

As shown in table 10 below, Majority of the respondents 39.7% (60) agree that elders in Rongai Sub-County don't have ability to solve land-conflicts among communities in Rongai effectively whereas 39.7% (60) disagree with the view. 19.9% (30) of the respondents remained neutral on the matter. One Kikuyu elder (IDI 3, 20/05/2019) interviewed observed that:

"Since Karenjin youth have great respect for their elders, I tend to think that their atrocities against other communities are sanctioned by their elders."

However, some participants in the focus group discussion held the opposite view, believing that the traditional conflict resolution mechanism has serious obstacles in dealing with land related conflicts. These participants are particularly concerned about

the compensation system adopted by the community elder, which does not strictly punish individuals. They have observed that elders are more willing to deal with families, clans and even entire communities to replace criminals. A participant of Solai (FGD 2, 20/06/2019) said:

“When a person commits a crime in land related matters and is caught, the elders allow their family or clan to pay compensation to the victim. By doing so, the offender will not feel a bit of pain, and therefore more likely to repeat the crime or commit other major atrocities this is very unfair, and many of these cases are still common here.”

Table 4.13: Elders in Rongai Sub-County don’t have Ability to Solve Land - Conflicts among Communities in Rongai Effectively

Elders in Rongai Sub-County don’t have ability to solve land-conflicts among communities in Rongai effectively					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	60	39.7	40.0	40.0
	Not Sure	30	19.9	20.0	60.0
	Disagree	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

Discussion

On the effectiveness of community elders in resolving land-related conflicts, it was observed that the traditional dispute resolution mechanism was successful in addressing various issues. The dominant Kikuyu and Kalenjin communities have robust elderhood systems which are instrumental in addressing disputes in the area. This was reflected in the way they were able to solve land related conflicts in their individual community and across the ethnic composition of Rongai Sub-county. There are penalties for infringing into someone's property as it was noted in the (FGD 3, 22/06/2019) who argued that;

“We as elders also acknowledge the existence of other groups in this area, and thus they effectively advocate for hospitality and sharing of natural resources. While discipline and imposing penalties are used in this area, it is worthy to note that mediation and arbitrations are the common ways in which elders effectively address land matters in Rongai Sub-County. To support this argument. In addition to what we as elders do, is that we were able to solve land related matters by involving the belligerent parties and other peace stake holders”.

From the findings, it can be observed that elders effectively regulate negotiations on matters which may lead to the escalation of more violence. Sometimes the elders use punishment or sanctions to ensure that there is a collective responsibility among all the community members. The move ensures that the disputants understand and take responsibility for the mistakes that they commit. Elders are the major parties that

coordinate and implement programs that are tailored to peace in the area. From the study findings, it was observed that elderhood is an important institution that enhances peace through activities such as sporting. The sports as supported by the FGDs and IDIs are integration process that plays a significant role in the integration of the community which fosters peace. The elders, government agencies, and other stakeholders organize sports within the Rongai area to ensure that community members come together and thus promote peace.

Various questions were asked about the effectiveness of the community elders in solving land-related conflicts. Multiple roles of the community elders in dispute resolution were listed. The roles which were listed were; quick ways of offering decisions on major disputes that affect the community, instilling disputes among the community elders, addressing social issues, offering cheap dispute resolution, offering services which are not corrupt, and instilling norms in the community Respondents gave their responses in a Likert Scale. On whether elders offer a quick land dispute resolution, a majority (78) strongly agreed while a minority (9) respondents strongly disagreed. On instilling discipline, a high number (140) strongly agreed while the least number of the interviewees (3) strongly disagreed. A total of (140) respondents strongly agreed that elders address social justice while another (10) strongly opposed. One hundred and thirty (130) respondents strongly agreed that elders offer a reasonable dispute resolution while (9) respondents strongly disagreed. Majority of the respondents (80) strongly agreed that elders provide services which are not corrupt while a minority (7) strongly opposed on the same. Finally, a high number of

respondents (strongly agreed that elders ensure that community adheres to positive norms while a minority (6) strongly disagreed on the same.

The study findings concur with those of Haggmann (2006) who notes that indigenous dispute resolution mechanisms in many African communities play an integral role in preventing and managing cases of land-related conflicts. The findings also agree with of Alemie & Mandefro (2018) who argues that elders enhance traditional dispute resolution mechanism through the use of values, practices, and approaches that are anchored on the traditions and customs of the community.

4.3.8 Effectiveness of Community Elders in Resolving Land-related Conflicts

A Likert Scale was used to determine the effectiveness of the community elders in dispute resolution as compared to other actors. The scale was ranging from very satisfactory, satisfactory, dissatisfactory, and very dissatisfactory. A majority of the respondents (120) reported that the role of elders was satisfactory while a minority at (16) reported that the performance was very dissatisfactory.

From the IDIs and FGDs, it was noted that the participant felt that the role of the customary law in the society was significant. One participant in the (FGD 4, 25/06/2019) said,

“Our elders play an exemplary role when it comes to fostering peace in this region. We now follow their steps because we do not want a repeat of the deadly clashes of the past.”

Another participant in the (IDI 4, 30/05/2019) argued that;

“Community issues that affect land are complex. Only the community members can solve them. We do not want clashes again as well now believe in dialogue through our elders.”

The findings on the effectiveness of the community elders in solving land-related matters concur with Kegoro (2012) who researched in Nyamira County, Kenya. He found that elders are useful in resolving conflicts based on cultural and social values. The study found out that elders instill positive norms and culture. The findings were in line with Abu-Nimer (2016) who argue that elders lead the community through beliefs, processes, and norms that are accepted and understood by the community members. The above finding brings the critical roles that community elders play in resolving community conflicts by the virtue of great experience and understanding of the community.

Brock-Utne (2001) holds that elders influence society since they are seen as the sources of wisdom and instill discipline within the people. The study findings agree with the outcomes since a majority of the respondents felt that elders are a source of positive norms and address social issues. The researcher agrees with (Phuthago and Chanda 2004) that respect generally comes as a result of experience, good understanding, as well as their understanding of traditions and customs. The knowledge determines how well the elders can analyze and give their verdict concerning a dispute (Phuthago & Chanda, 2004). The study also agrees that the elders should also be patient, and demonstrate impartiality, and respect the disputants.

The trust that the elders earn is based on the qualities that they possess since they are the determinants of how the disputants and the entire community perceive the advice which is given. According to Kamwaria *et al.*, (2015), elders are the building blocks that enable the community to foster peace and maintain the stability of the area. Various communities have been thriving in using elders to resolve conflicts. Abdul-Rafiu (2015) argues that elders are used to resolving land-related matters within the community. Traditions and norms which are passed from one generation to another through elders play a significant role in maintaining peace among the community members as well as the neighbouring communities.

4.4 Strengthening the Role Played by Elders of the Community in Resolving Land-Related Conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008

This section is opined in the third objective which focused on the strengthening the role played by elders of the community in resolving land-related conflicts in Rongai Sub-County. This includes; training, getting support of government administrators, joint meetings arrange by government administrators, support by the civil society by providing adequate training in conflict resolution methods, training from churches in conflict resolution on land-related matters, involving school head-teachers, working with government leaders and elders given a formal forum for resolving land-related conflicts.

4.4.1 Elders in Rongai Sub-County can be trained to Solve Land-Related Conflicts more effectively

The figure 4.15 below shows most of the respondents generally agree that the Elders in Rongai Sub-County can be trained to solve land-related conflicts more effectively where 59.6% (90) agree and 19.9% (30) Strongly agree. In contrast, 19.9% (30) disagree with the view.

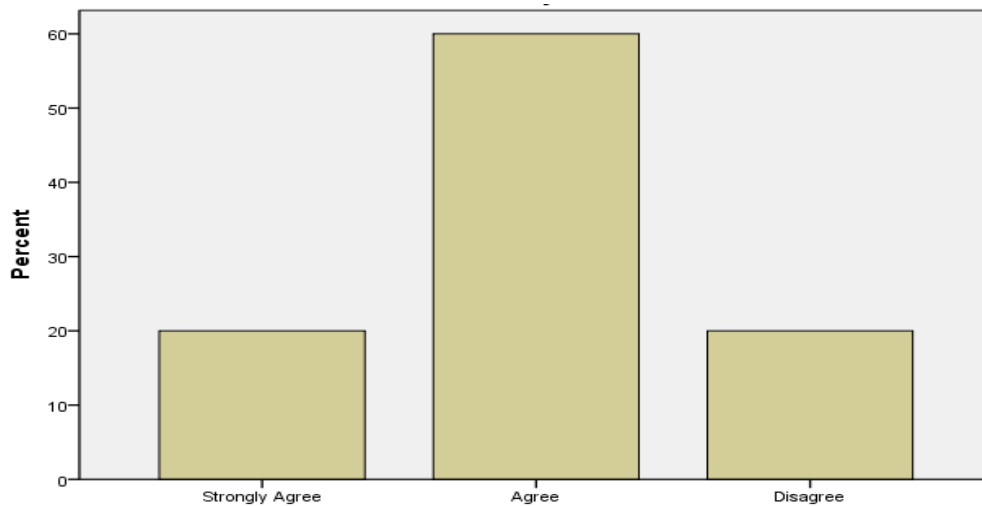


Figure 4. 15: Elders in Rongai Sub-County can be trained to Solve Land-Related Conflicts more effectively

4.4.2 Elders can be more effective in Land Conflict Resolution if they get support of Government Administrators

The table 4.11 below indicates that all respondents agreed that Elders can be more effective in land conflict resolution if they get support of government administrators, represented as 79.5% (120) agreeing and 19.9% (30) strongly agreeing with the view.

Table 4.14: Elders can be more effective in Land Conflict Resolution if they get support of Government Administrators

Elders can be more effective in land conflict resolution if they get support of government administrators					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	30	19.9	20.0	20.0
	Agree	120	79.5	80.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.3 Elders can be assisted in resolving Land-Related Conflicts through joint meetings arrange by Government Administrators

As shown in figure 4.16 below, majority of the respondents agreed that the elders can be assisted in resolving land-related conflicts through joint meetings arranged by government administrators whereby 19.9% (30) Strongly Agreed and 39.7% (60) agreed. 39.7% (60) of the respondents were not sure on need for joint meetings.

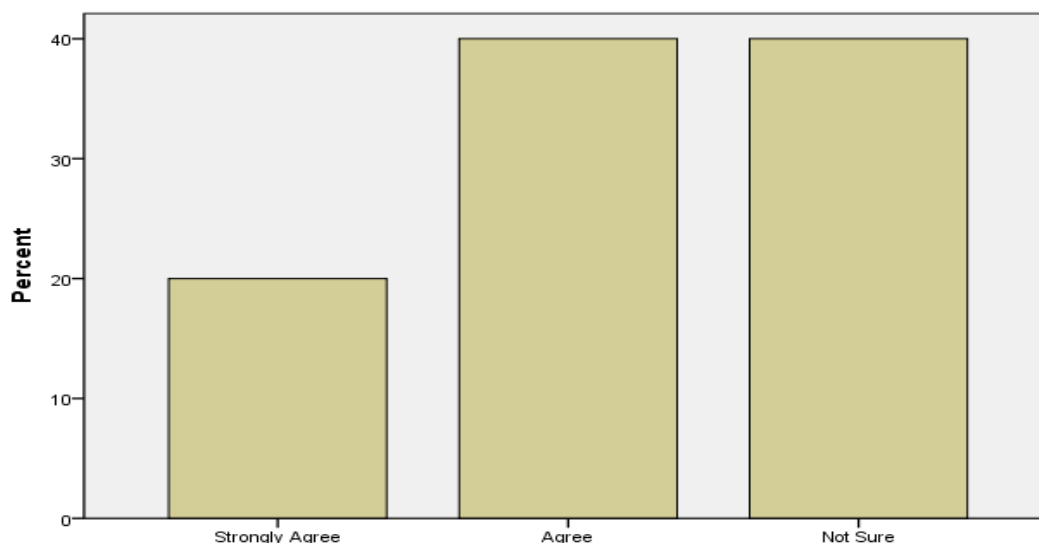


Figure 4. 16: Elders can be assisted in resolving Land-Related Conflicts through joint meetings arrange by Government Administrators

4.4.4 Elders in Rongai Sub-County should be supported by the Civil Society by providing adequate training in Conflict Resolution Methods

The table 4.12 below indicates that all respondents agreed that Elders in Rongai Sub-County should be supported by the civil society by providing adequate training in conflict resolution methods, represented as 79.5% (120) agreeing and 19.9% (30) strongly agreeing with the view.

Table 4.15: Elders in Rongai Sub-County should be supported by the Civil Society by providing adequate training in Conflict Resolution Methods

Elders in Rongai Sub-County should be supported by the civil society by providing adequate training in conflict resolution methods					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	30	19.9	20.0	20.0
	Agree	120	79.5	80.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.5 Elders in Rongai Sub-County should get training from Churches in Conflict Resolution on Land-Related Matters

The figure 4.17 below shows, majority of the respondents agreed that the Elders in Rongai Sub- County should get training from churches in conflict resolution on land-related matters where 19.9% (30) Strongly Agreed and 39.7% (30) agreed. 39.7% (60) of the respondents were not sure on whether training was required.

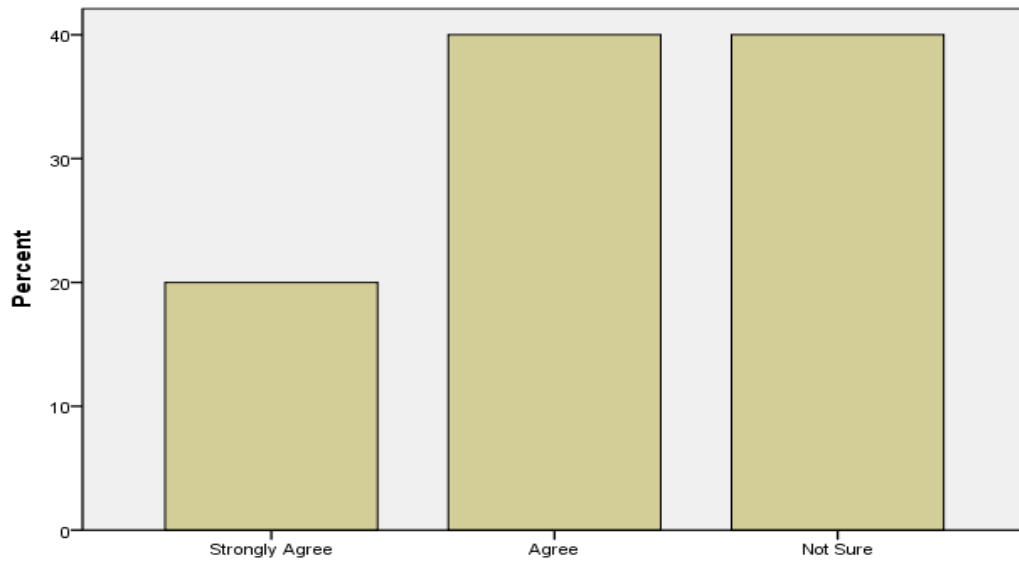


Figure 4. 17: Elders in Rongai Sub-County should get training from Churches in Conflict Resolution on Land-Related Matters

4.4.6 Elders should work with Church leaders in Resolving Land-Related Conflicts in Rongai Sub-County

The table 4.13 below indicates that all respondents agreed that elders should work with Church leaders in resolving land-related conflicts in Rongai Sub-County, represented as 79.5% (120) agreeing and 19.9% (30) strongly agreeing with the view.

Table 4.16: Elders should work with Church leaders in Resolving Land-Related Conflicts in Rongai Sub-County

Elders should work with Church leaders in Resolving Land-Related Conflicts in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	30	19.9	20.0	20.0
	Agree	120	79.5	80.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.7 Community Elders should involve School Head-Teachers in Resolving Land-Related Conflicts in Rongai Sub-County

As shown figure 4.18, that all respondents agreed that Community elders should involve school head-teachers in resolving land-related conflicts in Rongai Sub-County, represented as 59.6% (90) agreeing and 39.7% (60) strongly agreeing with the view. With regard to the above view, majority of the respondents believe that involving the head teachers of the schools around the community at a great extend made it easier in the participation of conflict management. This is because they are highly informed and were also used in the interpretation of the relevant clauses of the law in relation to land-related matters.

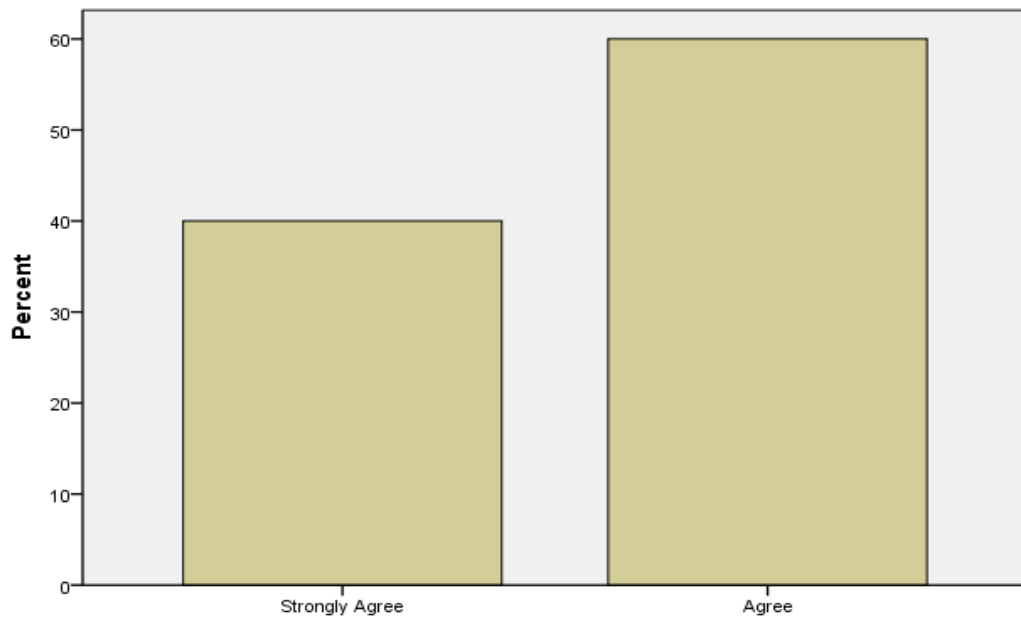


Figure 4. 18: Community elders should involve school head-teachers in resolving land-related conflicts in Rongai Sub-County

4.4.8 Community Elders should work with Government Leaders in solving issues in Rongai Sub-County

The table 4.14 below shows, majority of the respondents agreed that the Community Elders should work with government leaders in solving issues in Rongai Sub-County where 19.9% (30) Strongly Agreed and 39.7% (60) agreed. 39.7% (60) of the respondents were not sure on the view.

Table 4.17: Community Elders should work with Government Leaders in solving issues in Rongai Sub-County

Community Elders should work with government leaders in solving issues in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	30	19.9	20.0	20.0
	Agree	60	39.7	40.0	60.0
	Not Sure	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.9 Elders in Rongai Sub-County should be supported by the National Government Administrators in Resolving Land-Related Issues

The figure 4.19 below shows majority of the respondents agreed that Elders in Rongai Sub County should be supported by the national government administrators in resolving land-related issues. Where 19.9% (30) Strongly Agreed and 59.6% (90) agreed. 19.9% (30) of the respondents were not sure on the need for National Government support.

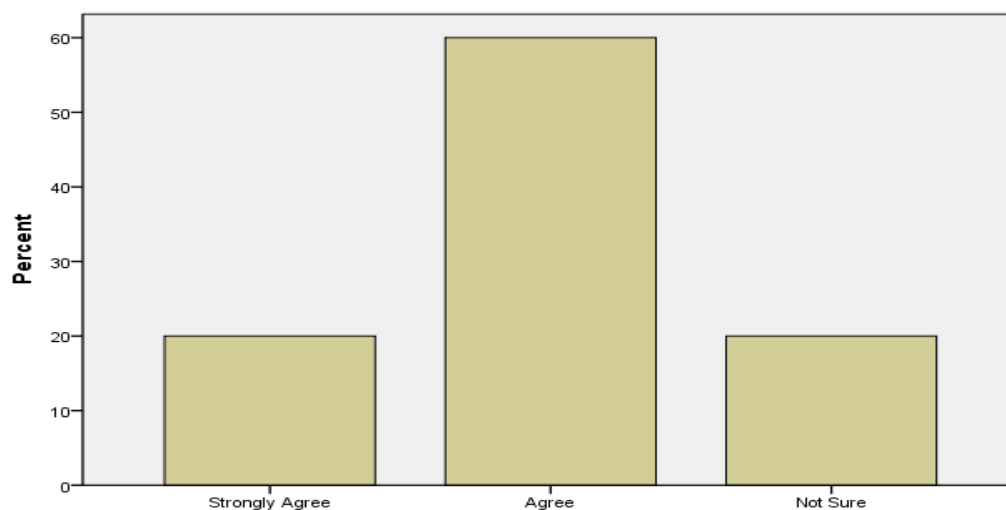


Figure 4. 19: Elders in Rongai Sub-County should be supported by the National Government Administrators in Resolving Land-Related Issues

4.4.10 Community Elders should be given a formal forum for Resolving Land-Related Conflicts in Rongai Sub-County

The table 4.15 below indicates, majority of the respondents agreed that Community Elders should be given a formal forum for resolving land-related conflicts in Rongai sub-County. Where 39.7% (60) Strongly agreed and 19.9% (30) agreed. 39.7% (60) of the respondents were not sure on the need for National Government support.

Table 4.18: Community Elders should be given a formal forum for Resolving Land-Related Conflicts in Rongai Sub-County

Community Elders should be given a formal forum for resolving land-related conflicts in Rongai Sub-County					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	60	39.7	40.0	40.0
	Agree	30	19.9	20.0	60.0
	Not Sure	60	39.7	40.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.11 Community Elders in Rongai Sub-County should not be given any support by the Government in Resolving Conflicts in Rongai Sub-County

The figure 4.20 below shows that 39.7% (60) of respondents collectively disagreed that the Community elders in Rongai Sub-County should not be given any support by the government in resolving conflicts in Rongai Sub-County where 19.9% (30) strongly disagree and 19.9% (30) disagree. Conversely 39.7% (60) were in agreement with the view whereas 19.9% (30) with not sure about whether government support was necessary.

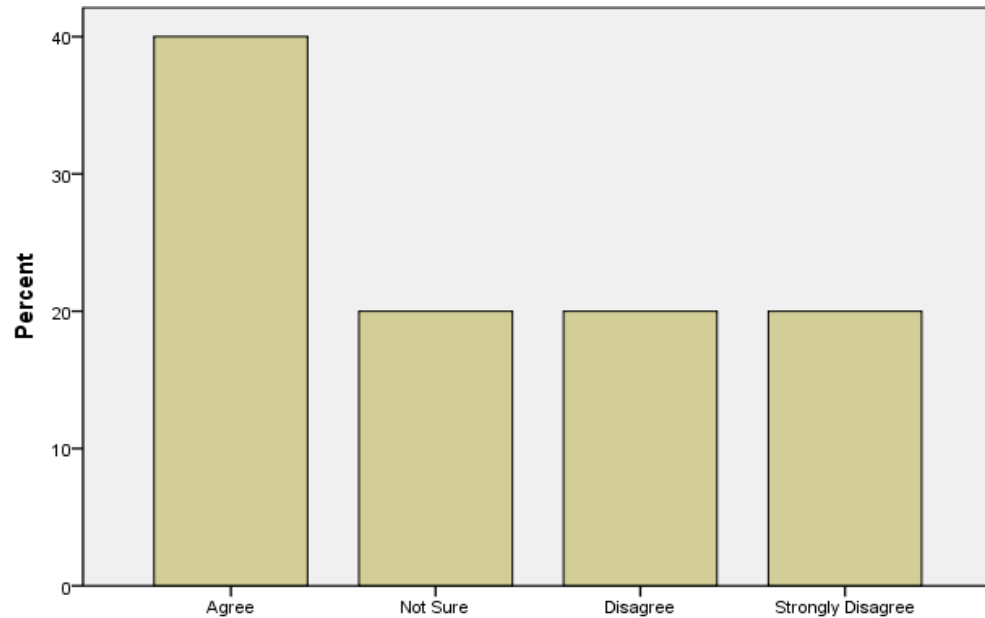


Figure 4. 20: Community elders in Rongai Sub-County should not be given any support by the government in resolving conflicts in Rongai Sub-County

4.4.12 Land-Related Conflicts in Rongai should be resolved by the National Government

The table 4.16 below indicates, majority of the respondents disagreed that land-related conflicts in Rongai should be resolved by the national government where 39.7% (60) strongly agreed and 19.9% (30) agreed. 39.7% (60) of the respondents were not sure on the need for National Government regulations.

Table 4.19: Land-Related Conflicts in Rongai should be resolved by the National Government

Land-Related Conflicts in Rongai should be resolved by the National Government.					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	60	39.7	40.0	40.0
	Disagree	60	39.7	40.0	80.0
	Strongly Disagree	30	19.9	20.0	100.0
	Total	150	99.3	100.0	
Missing	System	1	.7		
Total		151	100.0		

4.4.13 Land-Related Conflicts in Rongai should be resolved by the County Government because of their Complexity

The figure 4.21 below shows that 39.7% (60) of respondents collectively disagreed that land-related conflicts in Rongai should be resolved by the County government because of their complexity where 19.9% (30) strongly disagree and 19.9% (30) disagree.

Conversely 39.7% (60) were in agreement with the view whereas 19.9% (30) with not sure about whether government support due to complexity was necessary.

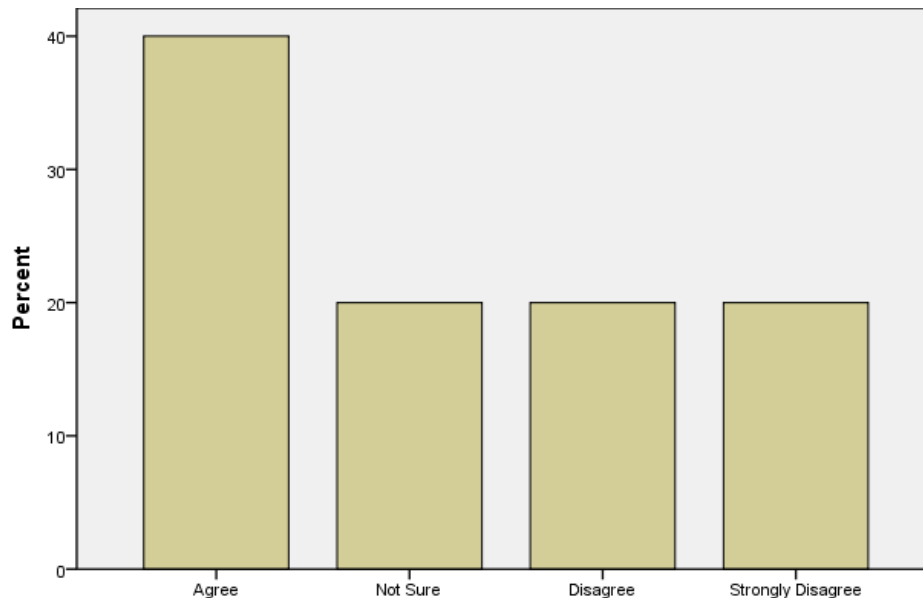


Figure 4. 21: Land-Related Conflicts in Rongai should be resolved by the County Government because of their Complexity

Discussion

On the strengthening the role of community elders in resolving land related conflict in Rongai Sub-County; the respondents felt that the role of the community elders in the community was diminishing. It was pointed out that in the past; the community elders demonstrated a stronger role as compared to now. While the community elders played their roles in peace building and dispute resolution effectively, it was observed that there are measures that need to be undertaken to strengthen the informal institutions in dispute resolution.

Some of the emerging issues from the FGDs and IDIs were the interference by the politicians and eroding of customs and norms by the modern systems of dispute resolution. Rongai Sub-County comprised people from different ethnic groups, and thus, there is diffusion of traditions and customs. While the diffusion is good for peaceful co-existence, sometimes it can undermine the roles of elders since traditions and customs are different. There was an issue of political interference which was affecting the ability of the elders to perform their duties. Participants observed that one way through which the role of elders could be strengthened was through refraining from divisive politics. Another participant in the (IDI 5, 06/06/2019) felt that;

“Atrocities among different ethnic groups could be managed if the elders perform their duties regardless of their community side”

A high number of the respondents (140) felt that elders’ role in resolving conflicts is reducing while a minority had a contrary opinion. Further, 130 participants had the view that the government should refrain from public land-related disputes. However, a minority of the respondents (20) felt that the government should partner with the elders in solving land-related conflicts. This indicated that the community elders have had minimal support from the relevant authorities and institution in relation to solving land related conflicts.

Various ways of strengthening the role of elders in resolving land-related disputes were suggested. The findings indicated that Rongai community elders roles were strengthen by upholding traditional norms and knowledge, educating the elders on

constitutional requirements, funding customary bodies, and working with other entities to foster peace. Other roles were avoiding conflicts, education on legal issues, recognizing and honoring elders, supporting the community members, and engaging elders in income-generating activities. A majority of the respondents felt that the role of the elders could be stronger by working with other groups to foster peace.

The findings on the strengthening the role of the community elders concur with Kegoro (2012) who notes that the western influence is leading to a decrease in the roles that elders play within the society. The findings also concur with Abu-Nimer (2016) who points out government interference and politics as the major factors that are reducing the role of elders and thus, they should be avoided.

From the IDIs and FGDs, it was noted that many participants felt the need for strengthening the role of community elders in the area. A participant in the (FGD 5, 30/06/2019) said,

“We need to recognize that these people are the ambassadors for peace and honor them in national celebrations. We need to give them little allowances as well since they are doing a good job.”

Another participant said that

“elders are independent regardless of the politics going on. We count on them in land disputes, and we should honor their work.”

An (IDI 6 , 15/06/2019) participant said that

“Elders need funding like other bodies to perform their duties effectively. Remember these people have to traverse this terrain to the other end for meetings...they need transport and food.”

The findings on the ways of strengthening the role of the community elders as per suggestions by Pkalya *et al.*, (2004). He explains that certain challenges that underestimate the performance of customary laws. The researcher also agrees with Kegoro (2012) who argued that the customary law lacks enforcement and the goal should be to foster peace and understanding rather than punishing the offenders. The findings also agree with Pkalya *et al.*, (2004) who suggested that elders should be engaged in activities that make money and they should be provided with allowances as well. The findings also concur with Mulikuza (2015) that elders should be honored and given allowances to play their roles effectively within the society.

4.5 Conclusion

A total of 151 respondents participated in the study. There were 79 females and 72 males. The majority of the respondents were from the Kikuyu ethnic group, the Kalenjin ethnic group. The two groups were targeted strategically because they form the main actors in a conflict in Rongai Sub-County. The respondents were from five wards in the sub-County, and their respective numbers are as discussed in chapter four. The respondents were enthusiastic and eager to participate in the study for the sake of peace in Rongai Sub-County. The ethnic balance was considered in the participation level. The Kikuyu community was almost equivalent to the Kalenjin

participants although the ethnic question was not asked deliberately in order to avoid bias in the study. The negotiations were based on how to share the agricultural land, water points and the market centers.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter contains the summary, conclusions, and recommendations that were made from the study.

5.2 Summary of findings

The general objective of the study was to investigate the roles of elders in land-dispute resolution; to investigate the effectiveness and ways of strengthening the role of elders in resolving land-related conflicts and to answer all the research questions, data were collected from the entire community living in Rongai Sub-County.

The first specific objective was to find out the role of community elders in addressing land-related conflicts. The study established that those elders play a critical role in instilling peace within the community. The significance of the elders was fronted by the residents from different communities in Rongai Sub-County who pointed out that elders were the crucial drivers of peace initiatives within the area. The researcher noted that the main problems were based on ethnic land-related disputes were the most common in Rongai Sub-County. The study also identified mediation as the most resorted to method of addressing these conflicts. The area was characterized by violence in the past over land-related disputes. It was noted that the role of community elders was crucial according to the study respondents. The reactions were that the elders are not corrupt within their traditional dispute resolution mechanism and thus, they were a source of

free and fair services when it comes to addressing land-related matters. Worthy to note, that during their stay the majority of the respondents had experienced land-related conflicts in their stay in the study area. It was observed that the community elders came forward to address social norms, instill discipline among the community, and discuss the social issues.

From the finding a high number of the respondents (120) knew of the existence of community elders within the area. Further, a majority (80) of the respondents felt that community elders in Rongai Sub-County are respected. Another 40 of the interviewees thought that the elders have a significant role to play in solving land-related disputes in the region.

The second specific objective of the study which was” to assess the effectiveness of elders of the community in resolving land conflicts related to land in Rongai Sub-County. It was observed that community elders are effective in addressing social issues including instilling discipline among communities, maintaining peace and solving land-related conflicts in the area. To support the effectiveness of the community elders, Majority(70%) of the respondents felt that the traditional dispute resolution mechanism was very efficient when it came to conflict management. The study also found out that community elders were efficient in addressing land-related conflicts as well as fostering peace within the study site. A majority 70% of the respondents also felt that community elders play a vital role in instilling discipline within the community and also ensuring that the community members adhere to the social norms. From the study findings, it can

be noted that the performance of the community elders as a traditional dispute resolution body was satisfactory.

From the finding a total of (140) respondents strongly agreed that elders address social justice while another (10) strongly opposed. One hundred and thirty (130) respondents strongly agreed that elders offer a reasonable dispute resolution while (9) respondents strongly disagreed. Majority of the respondents (80) strongly agreed that elders provide services which are not corrupt while a minority (7) strongly opposed on the same. Finally, a high number of respondents strongly agreed that elders ensure that community adheres to positive norms while a minority (6) strongly disagreed on the same.

The third specific objective which was looking at ways through which the traditional dispute resolution mechanisms can be strengthened, it was noted that the role of community elders in resolving land-related disputes was declining. Some of the reasons for the declining part that emerged from the study was the interference by the government on public land matters. The study observed that significant ways of strengthening the role of the community elders are through liaising with other institutions (National and County Government) to foster peace, refraining from politics, and funding to cater for allowances of the elders so that they can perform the duties effectively. The study also observed that it was important for the informal dispute resolution bodies to liaise with other local institutions to foster peaceful co-existence by addressing land matters which significantly fuel land conflicts in the area.

The study also observed that the community should uphold traditions and customs, engage in income generating activities, and undergo education on legal issues.

A high number of the respondents (140) felt that elders' role in resolving conflicts is reducing while a minority had a contrary opinion. Further, 130 participants had the view that the government should refrain from public land-related disputes. However, a minority of the respondents (20) felt that the government should partner with the elders in solving land-related conflicts. This indicated that the community elders have had minimal support from the relevant authorities and institution in relation to solving land related conflicts.

5.3 Conclusions

On specific objective one, the study observed that community elders play a crucial role in addressing land-related disputes in Rongai Sub-County. The most important roles as per the study were addressing social norms, instilling discipline among the community, and discussing the social issues. The elders play an important part in driving the mediation process on land matters and, therefore, fostering peace within the community.

On specific objective two, the study also noted that community elders were active when it came to addressing land-related conflicts. The study observed that the performance of the traditional dispute resolution system through the use of elders was satisfactory according to the community living in Rongai Sub-County.

On the specific objective three, the study observed that respondents felt that it was crucial to have ways through which the diminishing role of the community elders could be strengthened. Strengthening of the community elders can be done through working with other institutions to foster peace in the area.

5.4 Recommendations

The researcher came up with the following recommendation from the study:

In relation to specific objective one of the studies, Community elders must have the resources and specific tasks to manage land related conflicts across the country. To achieve this goal, it is necessary to strengthen and encourage elders' operations, such as the Peace Committee and the Council of Elders, who can operate even in peacetime. This study found that in peacetime, the seeds of discord were sown and created conditions of tension and suspicion, waiting for the slightest trigger, such as an eruption in a polarized land dispute.

On specific objective two, the government and other stakeholders must recognize and support community elders who are active when it came to addressing land-related conflicts. The study observed that the performance of the traditional dispute resolution system through the use of community elders was satisfactory according to the communities residing in Rongai Sub-County.

In relation to specific objective three of the study, the efforts of community elders must be made to eliminate the culture of intolerance and impunity among Kenyans. Both state and community elders should work together so that Kenyans understand that unity

in diversity is beneficial because it ensures sustainable development. Kenyans must be educated in the sanctity of life and respect for private property. In addition, law enforcement officials must use the full power of the law fairly to eradicate the culture of impunity which may weaken the contribution of elders in managing land related conflict.

5.5 Suggestions for Further Research

- i. This research focuses on the role played by the community elders in resolving land-related conflicts. In the process of conducting the research, the researcher found that, in addition to the community elders, the role of Community elders was very strong. Therefore, this should be investigated in other studies in the same sub-county or in any other sub-county prone to land related conflict.
- ii. This study also found that land as a resource was the main integral cause of land-related conflict in Rongai Sub-County. The the relevant government institutions must resort to non-violent means to resolve land related conflicts. In this case, it is recommended to further study of non-violent means to resolve land related conflicts in Rongai and any places in Kenya where land-related conflicts are common.
- iii. It should also be noted that this study shows that the main causes of land related conflict in Rongai Sub-County are land and politics. This means that the residents of the Sub-County largely depend on land resources and political incentives for their livelihood. It is therefore essential that these people adopt alternative livelihoods so that land and political issues are no longer life-and-

death issues. This requires research on alternative determinants of people's adoption of alternative livelihoods in Rongai sub-county to suggest ways to improve adoption.

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APPENDICES

Appendix I: Consent Form

My name is Robert Marete. I am a master's student at Kenyatta University taking degree of Master of Arts in Peace and Conflict Management. I am undertaking academic research on 'COMMUNITY ELDERS INVOLVEMENT IN LAND-RELATED CONFLICT RESOLUTION IN KENYA: CASE OF NAKURU COUNTY, RONGAI SUB-COUNTY (1998 - 2008)'. The information I need will be useful in different sectors towards improving the customary judicial system and the role of elders in dispute resolution.

Procedures to be followed

Participation in this study is voluntary. If you agree to participate, you will be asked some questions. If you feel uncomfortable answering any question, you can decline to respond. You can as well withdraw from the interview at any point if you do not wish to proceed.

Discomfort and risks

In case you feel that any aspect of the interview or question makes you uncomfortable, please feel free to stop the interview or decline to answer. The interview will take about 15 minutes.

Benefits

If you accept to participate in this study, you may get to understand various issues that surround the role of elders in dispute resolution as well as ways of strengthening the role of elders in solving conflicts.

Reward

The researcher will not provide any incentives for you to participate in this study. Kindly note that the participation is voluntary.

Confidentiality

Confidentiality will be observed by ensuring that the interview is carried out within any place that you feel convenient within the household. Your name will also not be captured within the questionnaire to ensure anonymity.

Contact information

If you need any clarification concerning the interview, you can contact my research supervisors through the following contacts

Dr. Felistus Kinyanjui or Dr. Boniface Muoka, Department of Conflict, Peace and Strategic Studies-Kenyatta University. Contacts: 0720836179 and 0721791126

Participant’s statement

I have read (or the interviewer has read) all the comments above and they are clear to me. The interviewer has also given me an opportunity to ask any questions regarding the research. I also understand that I will not be given incentives, the participation is voluntary, and that the information that I give out will be confidential.

Respondent

.....

Signature or thumbprint of the participant

Date

Investigator’s statement

I, the undersigned, have introduced the research topic and read the above statements in language that she/he understands. The participant understands that participation is voluntary and that the data will be kept confidential.

Interviewer

.....

Name and Signature

Date

Appendix II: An Interview Schedule

Section 1: Socio-demographic Factors

1. Age (In years)

2. Gender Male () Female ()

3. Education level

Primary not completed () Primary completed () Secondary ()

Collage/university () Other (specify)

4. Religion

Christian () Muslim () Hindu () Other (specify)

4. Do you have a leadership position in your community?

Yes () No ()

5. If yes in question 5 above, which is your leadership position in the region?

Clan leader/traditional ()

Leader ()

Administrator ()

Religious leader ()

Heads of schools ()

Specific Objectives of the study were:

- i. To assess the role of community elders in resolving land conflicts in Rongai Sub-County between 1998 and 2008.

- ii. To examine the effectiveness of community elders in resolving land conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.
- iii. To establish the ways of strengthening the role of community elders in resolving land-related conflicts in Rongai Sub-County, Nakuru County, Kenya, between 1998 and 2008.
- iv. Assessing the role of community elders in conflict resolution in Rongai Sub-County.

List of key In-depth Interview respondents

Names	Date	Venue
IDI(1)	5/05/2019	Soin
IDI(2)	10/05/2019	Visoi
IDI(3)	20/05/2019	Menengai
IDI(4)	30/05/2019	Mosop
IDI(5)	6/06/2019	Solai
IDI(6)	15/06/2019	Menengai

Appendix III: Research Questionnaire

ANSWER THE QUESTION BY TICKING THE CHOICE WHICH YOU THINK IS RIGHT RESPONSE

STRONGLY AGREE, AGREE, NEUTRAL, DISAGREE, STRONGLY DISAGREE

Questions for residents of Rongai Sub-County

	SA	A	N	D	SD
	1	2	3	4	5
The elders in Rongai Sub-County play a big role in resolving conflicts in Rongai Sub-County					
The elders are able to intervene in all conflicts in Rongai Sub-County					
The elders are able to resolve all land conflicts in Rongai Sub-County					
The elders are able to resolve political conflicts only in					
The elders are able to intervene in all conflicts in Rongai Sub-County					
The elders are able to resolve ethnic related conflicts on in Rongai Sub-County					
The elders are able to resolve conflicts related to political matters in Rongai Sub-County					
The elders are able to solve conflicts related to customs in Rongai Sub-County					
The elders are able to solve conflicts related to marriage conflicts in Rongai Sub-County					
The elders are able to solve grabbed land conflicts in Rongai Sub-County					
The elders are not able to resolve land conflicts in Rongai Sub-County					
The elders are not able to solve land grabbing conflicts in Rongai Sub-County					

Effectiveness of community elders in resolving land conflicts in Rongai Sub-County

SA A N D SD

	1	2	3	4	5
Elders are able to resolve all land-related conflicts in Rongai permanently					
Elders in Rongai are able to resolve land conflicts for a temporary period only					
Elders in Rongai are respected by all communities in Rongai Sub-County therefore the can resolve conflicts among all communities					
Kalenjin Elders in Rongai Sub-County can solve land-related conflicts effectively only among the Kalenjin residents communities					
Kikuyu Elders in Rongai Sub-County can resolve land conflicts among the Kikuyu communities only					
Kikuyu elders in Rongai Sub-County are able to resolve only conflicts related to inter-community conflicts					
Elders from both communities in Rongai usually hold meetings to discuss matters affecting land problems					
Elders from Rongai sub County work together with government officials to resolve land conflicts in Rongai Sub-County					
Elders in Rongai Sub-County don't have ability to solve land-conflicts among communities in Rongai effectively.					
Elders in Rongai Sub-County can be trained to solve land-related conflicts more effectively.					

Strengthening the role of elders in resolving conflicts in Rongai Sub-County

	SA	A	N	D	SD
	1	2	3	4	5
Elders can be more effective in land conflict resolution if they get support of government administrators					
Elders can be assisted in resolving land-related conflicts through joint meetings arranged by government administrators					
Elders in Rongai Sub-County should be supported by the civil society by providing adequate training in conflict resolution methods					
Elders in Rongai Sub-County should get training from churches in conflict resolution on land-related matters					
Elders should work with Church leaders in resolving land-related conflicts in Rongai Sub-County					
Community elders should involve school head-teachers in resolving land-related conflicts in Rongai Sub-County					
Community Elders should work with government leaders in solving issues in Rongai Sub-County					
Elders in Rongai Sub-County should be supported by the national government administrators in resolving land-related issues.					
Community Elders should be given a formal forum for resolving land-related conflicts in Rongai Sub-County					
Community elders in Rongai Sub-County should not be given any support by the government in resolving conflicts in Rongai sub-County.					
Land-related conflicts in Rongai should be resolved by the national government.					
Land-related conflicts in Rongai should be resolved by the County government because of their complexity					

Appendix IV: Focus Group Discussions Schedule

1. Describe the causes of land conflicts which affect the residents of Rongai Sub-County?
2. Explain the role of elders in resolving land-related conflicts in Rongai Sub-County?
3. How effective are the elders in solving land conflicts in Rongai Sub-County?
4. Are the conflicts based on ethnic differences or on political influence?
5. Explain if the conflicts in Rongai are historically related or if they are criminally related?

List of Focus Group Discussion

Participants	FGD	Place	Date
3 Kikuyu Elders 3 Kalenjin Elders 1 Kisii Elder 1 Meru Elder	FGD 1	Soin	11/06/2019
3 Kikuyu Elders 3 Kalenjin Elders 1 Kisii Elder 1 Luo Elder	FGD 2	Visoi	20/06/2019
3 Kikuyu Elders 3 Kalenjin Elders 1 Kisii Elder 1 Luhya Elder	FGD 3	Menengai	22/06/2019
3 Kikuyu Elders 3 Kalenjin Elders 1 Meru Elder 1 Luo Elder	FGD 4	Mosop	25/06/2019
3 Kikuyu Elders 3 Kalenjin Elders 1 Kisii Elder 1 Luhya Elder	FGD 5	Solai	30/06/2019

Appendix V: Graduate School Authorization Letter



KENYATTA UNIVERSITY GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke

Website: www.ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 8710901 Ext. 57530

Our Ref: C50/CTY/PT/33746/15

DATE: 29th January, 2019

Director General,
National Commission for Science, Technology
and Innovation
P.O. Box 30623-00100
NAIROBI

Dear Sir/Madam,

RE: RESEARCH AUTHORIZATION FOR MARETE ROBERT THURANIRA – REG. NO. C50/CTY/PT/33746/15

I write to introduce Mr. Marete Robert Thurania who is a Postgraduate Student of this University. He is registered for M.A degree programme in the Department of International Relations, Conflict & Strategic Studies.

Mr. Marete intends to conduct research for an M.A Research Proposal entitled, “Community Elders Involvement in Land-Related Conflict Resolution in Kenya. A Case of Nakuru County, Rongai Sub-County (1998-2008)”.

Any assistance given will be highly appreciated.

Yours faithfully,


PROF. ELISHIBA KIMANI
DEAN, GRADUATE SCHOOL

EK/nn

**Appendix VI: Research Authorization from National Commission for Science,
Technology, and Innovation**



**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

Telephone: +254-20-2213471,
2241349, 3310571, 2219420
Fax: +254-20-318245, 318249
Email: dg@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No. **NACOSTI/P/19/54070/28108**

Date: **14th February, 2019**

Marete Robert Thurania
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on “*Community elders involvement in land-related conflict resolution: Case of Nakuru County, Rongai Sub-County, (1998-2008)*” I am pleased to inform you that you have been authorized to undertake research in **Nakuru County** for the period ending **14th February, 2020**.

You are advised to report to **the County Commissioner and the County Director of Education, Nakuru County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit a **copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

**GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioner
Nakuru County.

The County Director of Education
Nakuru County.

Appendix VII: Research Permit from National Council for Science, Technology, and Innovation

THIS IS TO CERTIFY THAT: **Permit No : NACOSTI/P/19/54070/28108**
MR. MARETE ROBERT THURANIRA **Date Of Issue : 14th February,2019**
of KENYATTA UNIVERSITY, 14583-800 **Fee Received :Ksh 1000**
NAIROBI,has been permitted to conduct
research in Nakuru County
on the topic: COMMUNITY ELDER'S
INVOLVEMENT IN LAND-RELATED
CONFLICT RESOLUTION:CASE OF
NAKURU COUNTY,RONGAI
SUB-COUNTY,(1998-2008)
for the period ending:
14th February,2020



Patron
Director General
National Commission for Science,
Technology & Innovation


THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

CONDITIONS

1. The License is valid for the proposed research, location and specified period.
2. The License and any rights thereunder are non-transferable.
3. The Licensee shall inform the County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

REPUBLIC OF KENYA



National Commission for Science, Technology and Innovation

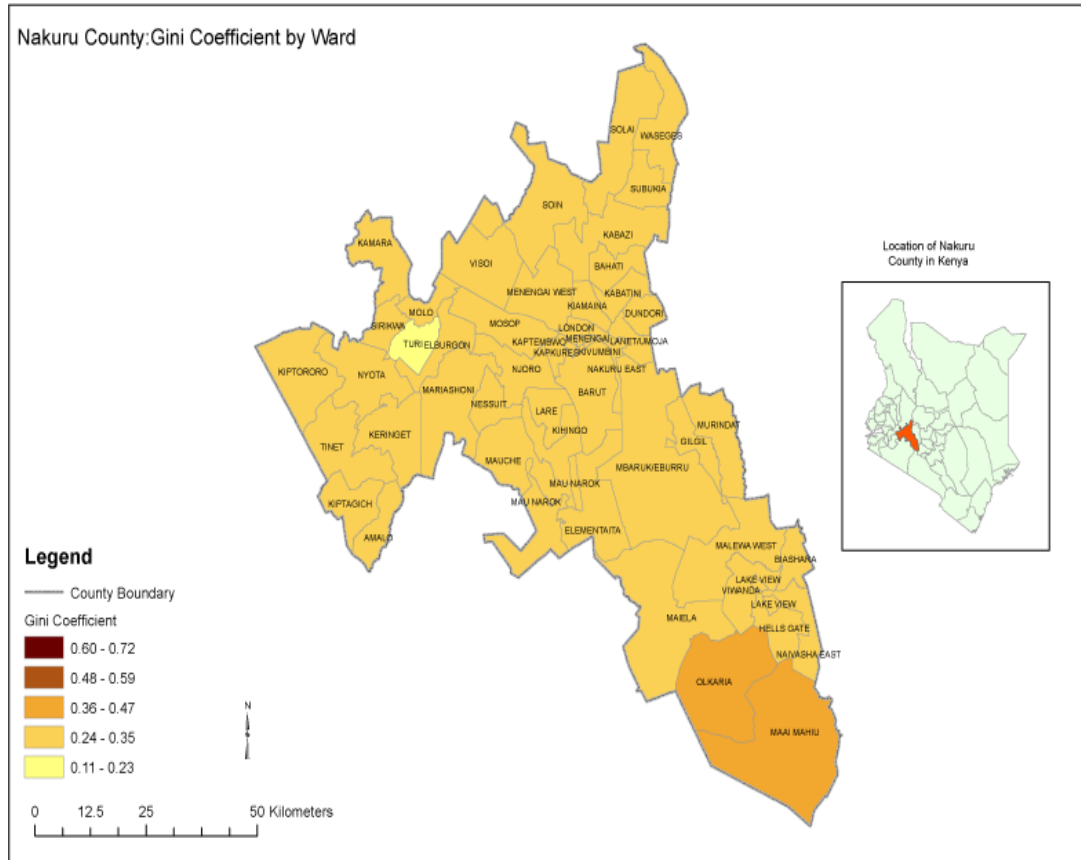
RESEARCH LICENSE

Serial No.A 23121

CONDITIONS: see back page

National Commission for Science, Technology and innovation
P.O. Box 30623 - 00100, Nairobi, Kenya
TEL: 020 400 7000, 0713 788787, 0735 404245
Email: dg@nacosti.go.ke, registry@nacosti.go.ke
Website: www.nacosti.go.ke

Appendix VIII: Map of Nakuru County showing Rongai Sub-County



Source: <https://www.maps.virtualkenya.org>.

Appendix IX: Map of Rongai Sub-County



Source: Google Map