

KENYATTA UNIVERSITY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF PUBLIC POLICY AND ADMINISTRATION

**EFFECTS OF ALTERNATIVE DISPUTE RESOLUTION MECHANISMS ON
CONFLICT RESOLUTION IN MIGORI-NAROK BORDER, KENYA**

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C153/CTY/PT/32725/2015

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT
FOR THE DEGREE OF MASTER OF ARTS IN PUBLIC POLICY AND
ADMINISTRATION OF KENYATTA UNIVERSITY**

2021

DECLARATION

This research project is my work which has never been submitted for the award of degree in any institution or learning.

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DEDICATION

This project is dedicated to my parents Caleb Samburu (Late), Esther Gati Caleb, and My Daughter Zawadi Gati Machera.

ACKNOWLEDGEMENT

I wish to express my gratitude to God Almighty for granting me the intellect and cognitive ability to conduct this study. I wish to extend my sincere gratitude to my family, friends, and classmates for giving me the moral support to continue with my study. I appreciate Hon. Justice Chacha Mwita, Dr. Betty, and my Mum, Esther Gati Caleb for encouraging me to soldier on.

I most sincerely thank my supervisor, Dr. Wilson Muna, for always sparing time to guide me on how to go about the whole process. The list would be incomplete without recognizing their valuable role in making sure that my dream is realized.

DEFINITION OF TERMS

- ADR** Entail methods and procedures used in resolving conflicts between communities and different parties. They include processes such as; mediation, arbitration, negotiation, (re) conciliation, inquiry, and expert involvement, community involvement without resorting to litigation or court processes.
- ADR Mechanism** Includes holding discussions jointly with parties to the conflict and attempting to bridge their differences through giving and take or win-win situations among people living along Migori-Narok Border.
- Conflict Resolution** Refers to collaborative problem solving by parties to the conflict that leads to choosing a plan of action that allows both parties to mutually share their problem for the sake of peace along the Migori-Narok Border.
- Methods** Include means such as negotiation, mediation rallies, sports, festivals, and communication of resolving conflict hosted by convenors by holding discussions with both parties under conflicts along the Migori-Narok border.
- Dispute** A short-term disagreement between two or more parties involving existing problems over resources; land, pasture, water, principles that have been in existence for short or long term periods along Miigori-Narok Border.
- Acceptability** This is the quality of something being subject to acceptance for a specific purpose due to its sufficiency in serving the intended purposes. Thus, the acceptability of ADR mechanisms is the quality of being accepted for resolving conflicts among communities living along the Migori-Narok border.

ABBREVIATIONS AND ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
ADR	Alternative Dispute Resolution
CAPCR	Centre for African Peace and Conflict Resolution
DSCV	Dispute Settlement Centre of Australian State of Victoria
FAO	Food and Agricultural Organization
UN	United Nations
NGOs	Non-Governmental Organizations
PEV	Post Election Violence

ABSTRACT

Migori-Narok border remains one of the several volatile regions which have continued to experience persistent conflicts for decades. The conflicts have been all times tense that lives have been lost, property destroyed and close to one thousand people displaced. The effects of ADR mechanisms and how it has been used on conflict resolution is well documented in countries such as South Africa, Nigeria, and Canada among others. In Kenya, ADR mechanisms have been used by the Meru's Njuri Ncheke and the Kikuyu's Council of elders. However, there is limited data on its effects and how it has been used on conflict resolution in the Migori-Narok border. The purpose of the study was to examine the effects of ADR mechanisms in resolving recurring conflicts along the Migori-Narok border. The specific objectives of this study were: (i) to assess the effects of ADR methods used on conflict resolution in Migori-Narok border, (ii) to investigate the effects of ADR principles on conflict resolution in Migori-Narok border, and (iii) to examine the effects of acceptability of ADR mechanisms on conflict resolution in Migori-Narok border. The researcher adopted a descriptive survey design. The study is anchored on the theory of conflict transformation. The targeted population was 9,775 residents of the area around the Migori-Narok border. It employed both random and purposive sampling to sample 384 respondents. Both qualitative and quantitative approaches were used to collect data. Participatory action research using focus group discussion, community dialogue, and key informant interviews were used to collect qualitative data, while self-administered interview questionnaires were used for quantitative data. Cronbach's alpha reliability coefficient was used to test the reliability of research instruments. Quantitative data was analyzed using descriptive statistics like standard deviation, mean, percentages, and inferential statistics, while thematic analysis was used to analyze qualitative data. The findings revealed that there is a positive and significant correlation between ADR methods and conflict resolution at $r = 0.608$ and $P = 0.000$; is a positive and statistically significant correlation between ADR principles and conflict resolution at $r = 0.044$ and $P = 0.005$; and a positive and statistically significant correlation between the acceptability of the ADR mechanism and conflict resolution at $r = 0.337$ and $p = 0.000$. Therefore, it is recommended that the government should make more efforts to create awareness about the importance of the communities understanding ADR methods to avoid taking the legal system approach which is costly and time-consuming; ensure that the principles used in the ADR process are well documented and understood by the parties to a conflict to enhance parties' satisfaction, and carry more civic education to ensure that the residents understand and acknowledge ADR mechanisms as an important process for solving their disputes.

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CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Alternative Dispute Resolution (ADR) as a way of conflict resolution has immense relevance and importance in today's arena (Wani 2011). Globally, societies have used non-judicial indigenous methods to resolve conflicts (Grant, 1995). The mechanism has been viewed as a re-discovery from the previous method of settling disputes outside the win-lose adversary adjudicative model (Boege, 2003). According to Muigua (2010), ADR mechanisms is the procedures and methods of disputes resolution other than judicial litigation. It described all initiatives and processes of making decisions such as negotiation, mediation, arbitration, reconciliation among others adopted by parties in conflicts (Muigua & Francis, 2014).

The concept of "conflict", denotes disagreement, struggles, antagonism, threats to cooperation, and opposition processes (Agwu, 2013). Wallenstein (2007) opines that conflict is a dynamic phenomenon in which one party is reacting to what another party is doing or has done; hence, causing escalation. According to Wani (2011), the slow pace of development in Africa is attributed to conflicts. In Africa, there have been conflicts in many nations including Cote d'Ivoire, Burundi, Democratic Republic of Congo (DRC), Sudan, Angola, Rwanda, Sierra-Leon, Kenya, and Liberia among others (Leone, 2013). The 1994 genocide in Rwandan genocide caused by the conflict between the Tutsi and Hutu and the Kenyan's 2007/2008 post-election conflict are cases in point that demonstrated the desperate need for conflict resolution (Leboo, 2014).

There are traditional mechanisms for conflict resolution that were used in dispute resolution in society. Such traditional mechanisms minimize grievances, disputes, aggression, confrontations, violence and contribute to communal ties, harmony, and help to identify the goals and objectives of communities towards sustainable peace and tranquility (Adhiambo, 2014). Consent of the disputants and the integration of the community, in general, legitimize the agreement being pursued (Colson, 1969). The dispute resolution process was designed to look into matters of group interests and prioritize peace as an essential element within and between their group members (Grande, 1999).

ADR mechanisms respect the traditional cultures and traditions and most cases are resolved by community members with a wealth of knowledge and background of cases and parties involved hence, accord them an opportunity to engage one another in private settings (Muigua, 2015). Such mechanisms prescribed an outcome that was more legitimate to the people thus breeding harmony, unity, and mutual understanding (Osei-hwedie & Rankopo, 2010).

The African traditional System of resolving disputes has always offered an equal opportunity with the integration of community members (Grande, 1999). The traditional African societies empowered community members to solve their issues right from the grassroots level (United Nations, 2014). Community conflicts were resolved using indigenous methods of dispute resolutions and those who administered did so within the societal legitimate ideals premised in the community's norms and traditions (Muigua, 2018). African community allowed a council of elders to oversee and preside over community affairs and ensure that peace and order thrive (Muigua, 2015).

Globally, the adoption and application of ADR mechanisms in dispute resolution have grown exponentially. Their transition from traditional to modern communities has been considered as a paradigm shift from a complex model of resolving disputes hitherto used in the past to a flexible and simple one (Grande, 1999). In South Africa, India, and Bangladesh, ADR programs were developed to cure biased, corrupt, and otherwise discredited court systems that had failed to provide reasonable justice among the disadvantaged groups (Blackshaw & Blackshaw, 2002). In Europe, Canada, Australia, and the United States of America, they were seen as a legal transplant from traditional to modern societies.

In Kenya, ADR mechanisms have been used to resolve the conflict between Turkana and Samburu, Garre and Degodia among other communities. Lenairoshi (2014) noted that the cause of conflict among these groups is competition over access and control of natural resources such as pasture and water. However, cultural practices, territorial integrity, land, and politics are other underlying causes of conflicts among the groups. Any time these groups engage in conflict it is most likely that one or two or even a combination of more of these causes are normally the cause of conflicts.

In guaranteeing access to justice, the constitution of Kenya, 2010 gave a leeway for parties and institutions to encourage application and use of alternative justice system (Article 159 (2) (d)). Articles 60 (2) (g) and 67 (1) (f) emphasize the use of ADR and other traditional dispute resolution mechanisms by communities to resolve their problems. The approach fosters social harmony over individual interests and encourages the resolution of disputes through restorative justice (Muigua, 2015).

Migori-Narok border is one of the regions that have experienced conflicts involving the Maasai and Kuria ethnic communities for decades. The conflicts predate to colonialism (Lugum, 1976). Confrontation of one another in a bid to try to and perpetuate hegemony and protect their territories has been witnessed severally. This has been exacerbated by cattle rustling, land disputes, politics among others. The conflict resolution strategies employed have been defective and at times reactive, thus, delegitimizing the entire process of community integration to find solutions to their problems.

In 2015, a fight broke between the Kuria and Maasai (International Alert, 2016). The cause of the conflict was that each group was claiming ownership and control over a parcel of land. The conflicts led to violence which contributes to the loss of life of one person. The residents of Isokoni, Kerinkany, Masurura, and Mashangwe were adversely affected by the clashes prompting the government to send the security officers to pursue the perpetrators. The conflict erupted again during the following year, 2016, causing the death of three people. Consequently, a buffer zone was created on the border of TransMara west sub-counties and Kuri East to avoid another clash between the Maasai and Kuria.

The absence of collective approaches on dispute resolution in the Migori-Narok border remains a thorny issue in the hands of community members. In the traditional society, conflict resolution was meant to facilitate access to justice, more so at the grassroots level with the integration of community members. The traditional mechanisms have been in existence since the beginning of humanity and was anchored in the traditions and customs of communities where they operated. The use of ADR methods has been recognized for their ability to empower those involved in the process of conflict resolution (Law Reform Commission, 2010).

Worthy of note is that any conflict may be easily resolved when the relationship and structure of the parties in conflict are fully considered (Wani, 2017). African peace can be achieved by encouraging the adoption and application of indigenous skills and methods of conflict resolutions understood within the context of the modern state (World Bank, 2004). Data on the effects and use of ADR mechanism on conflict resolution in Migori Narok border will go a long way to bring about peace in Migori-Narok border. The mechanisms provide local solutions which are more acceptable in terms of community integration, fostering unity, and promoting economic development.

1.2 Statement of the problem

Migori-Narok border remains one of the several volatile regions which have continued to experience persistent conflicts for decades. The conflicts have been all times tense that lives have been lost, property destroyed and close to one thousand people displaced. Previous attempts to resolve the conflicts in the area have proven futile. The approaches have been seen to focus on individual interests negating certain critical needs such as parties' attitudes, perceptions, and broken relations leading to escalation. Furthermore, the traditional systems for conflict resolution and management have been reactive, defective, and devoid of guiding principles thus delegitimizing efforts to resolve the conflicts.

The effects of ADR in solving community conflicts are well documented in countries such as South Africa, Nigeria, India, Canada among others (Muigua, 2012). In Kenya, the mechanisms have been successfully used by the Meru's Njuri Ncheke and the Kikuyu Council of elders to resolve conflicts between their respective communities. However, conflict along the Narok-Migori border has been recurring over the years. Further, there is no defined procedure on how ADR should be applied and even who should carry out the process to determine matters. Hard evidence on ADR, its effects, and how it works best in resolving re-occurring community conflicts in Migori-Narok is, therefore required to create supportive policy measures that would allow the use of alternative justice. The purpose of this research, therefore, is to study how best ADR can be tapped and used as an effective tool for resolving ubiquitous and recurrent conflicts in the Migori-Narok border. Tapping into the potentials they offer in today's arena could help

improve conflict resolution not only in the Migori-Narok border but also across many communities experiencing similar challenges.

1.3 Specific objectives of the study

- i) To assess the influence of ADR methods on Conflict resolution in Migori Narok Border
- ii) To investigate the influence of ADR principles on conflict resolution in the Migori-Narok border
- iii) To examine the influence of acceptability of ADR mechanisms on Conflict Resolution in the Migori Narok border

1.4 Research questions

- i) What are the effects of ADR methods on conflict resolution in the Migori-Narok border?
- ii) What are the effects of ADR principles on conflict resolution in the Migori-Narok border?
- iii) What are the effects of acceptability of ADR mechanisms on conflict resolution in the Migori-Narok border?

1.5 Justification and Significance of the study

The research on conflict resolution in the Migori-Narok border is important because the conflict has persisted for decades. Article 159 (2) (c), (3) of the 2010 Kenyan constitution provides for institutions and parties to promote the use of traditional methods of dispute resolutions and formalized alternative dispute resolution mechanisms to resolve conflicts. The same provisions are amplified by Article 33 of the United Nations (UN) Charter, which stresses upon parties to first seek solutions to their problems and create peace through the available and legitimate means.

The research is also expected to contribute immensely to ongoing endeavors in the country and the world at large to bring about a defined procedure on how communities and parties should determine issues through the application of ADR mechanisms. The study will also enable policymakers and enforcement agencies to be in a position to deal with other conflicts in Kenya using the new findings on ADR. Moreover, the study findings will complement the body of

knowledge on conflict resolution and provide a renewed and robust policy change on the resolution of conflict in the wake of embracing alternative means of access to social justice.

1.6 Scope and Limitation of the study

The research was done in the Migori-Narok border, covering two sub-counties namely; Kuria East and TransMara East. Kuria East Sub-County has Members from Kuria ethnic communities while TransMara East is inhabited by Maasai, Kipsigis, and Kuria ethnic communities. Kuria remains the minority in the area. The researcher employed a descriptive research design to establish the effects of ADR mechanisms on Conflict resolution and how they could be effectively applied in conflicts resolution and fostering good relationships among residents. The study was guided by existing literature from papers presented in various forums, journals, and internet sources. Purposive and Random sampling techniques were to sample representative sample size from community members.

The study was sensitive given that it engaged community members who have had serious altercation issues with each other and this challenge was resolved by engaging the residents who were positive about the process and willing to cooperate. It was also difficult to get accurate information from participants due to ethnic loyalty. However, this was addressed by ensuring that the information given would be confidential and only used for academic purposes.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter presents a review of relevant literature on ADR. In particular, this section reviews the literature on the effects of ADR and how contemporary dispute resolution mechanisms have been employed to resolve conflict. The chapter also contains the theoretical framework, conceptual framework, and knowledge gap.

2.2 Conflict Resolution process

Resolving conflict entails changing the reality by either reducing the scarcity of disputed resources or by changing the factors that cause the confrontation (Jung, 2003). According to Wani (2011), conflict resolution is the activities and processes that are undertaken to address the underlying cause of confrontation between parties or groups. Okrah (2003) noted that the main goal of dispute resolution can be categorized as corrective or preventive. While preventive conflict resolution entails convincing people to engage in negotiation to reach out an amicable agreement, corrective conflict resolution, on the other hand, is aimed at resolving an already existing conflict while at the same time acknowledging human nature and with less violence (Okrah, 2003).

The words dispute and conflict are interchangeably used to mean the same thing. However, Burton (1988) described a dispute as a short-term disagreement that involves negotiable terms, and conflict entails deep-rooted non-negotiable issues that relate to ontological human needs and cannot be compromised. The distinction between dispute and conflict is in the nature and length of disagreement (Leone, 2013). Disagreements that result from ontological human needs like identity and freedom often cause violence and are categorized as conflict, but not as disputes (Leone, 2013). However, if disputes are not resolved on time, they escalate to conflicts.

Resolving conflicts creates a platform where the parties seek to come to a consensus through the definition of their relationship and conflict. The resolution goes deeper to unravel the root causes of conflict by establishing a post-conflict relationship that is not based upon power (Cloke, 2005). Conflict resolution can be compared to a therapy where the clinician has to make follow-up upon discharge to help the client from relapsing for a complete transformation.

Agwu (2013) rightly argued that conflict may either be destructive or productive. A productive conflict is based on problem-solving in cases where the disputing parties are willing to sublimate their differences, support each other to reach an amicable agreement. On the other hand, destructive conflicts are characterized by a lack of cooperation hence degenerating to violence. Albert (2001) opined that positive conflict allows the parties to constructively discuss the cause of conflict and terms for settlement. According to Tariq and Yasmin (2017), when conflicts are constructively managed there is cooperation which creates opportunities for reconciliation.

According to Mpangala (2004), the conflict resolution process in Africa has three dimensions including; conflict resolution mechanisms, the nature of conflicts, and the outcome of such mechanisms. The main goal of conflict resolution is mending damaged or broken relationships, restoring justice to the parties by correcting wrongs committed (Osei-hwedie and Rankopo, 2010). Therefore, understanding the nature of a conflict is crucial in establishing the most viable and appropriate approaches and mechanisms of resolving conflicts (Mwagiru, 2001). Besides, Mpangala, (2004) opined that understanding the type of causes and actors is a useful tool for conflict resolution.

As a community process, conflict resolution commences by identifying the main causes of the dispute and then bringing all involved parties to a negotiating table to resolve the underlying issues (Osei-hwedie and Rankopo, 2010). Communal life is highly emphasized by societies compared to individualism. Another important objective of resolving conflict is to avoid accusation and counter-accusation; thus, getting rid of hurt feelings and reaching a compromise that enhances future relationships between conflicting parties. According to Menkhaus (2000), “the re-integration of parties into their societies brings about cooperation and harmony among the residents. The efficacy of traditional peace-making processes has been ineffective at the national level as opposed to the local and regional peripheries. Although the traditional approaches to resolving conflicts are confined to the local context, they can also be of significance for preventing conflicts and peacebuilding on a larger scale.

The focus has been on the techniques and methods used to resolve statements. Wani (2017) noted that conflict resolution emphasizes the imaginative and creatively generating alternative empowerment for the weak and searching for non-violent change. Wani (2017) further contended that when conflict is expressed without violence, it becomes is an important catalyst

for social change. On the other hand, when there is a lack of appropriate approach to resolve disputes, they escalate to violence. Conflict is a threat to efficiency and conflict resolution comprises of those techniques and specialized tools to forestall or channel conflict into productive pursuit (Morrill and Rudes, 2010).

It is difficult to resolve conflicts; hence, the need for better prevention and management methods. When a conflict is not prevented, it transforms from latent stage to manifest stage and from escalation stage to that of de-escalation. Resolving conflict entails working towards achieving justice and appreciating the notion that a change in direction of the flow of events, so that escalation is transformed into de-escalation and polarization into a positive relationship (Mitchell, 1981; Kriesberg, 1992).

Wani (2017) correctly noted that any conflicts can be resolved and transformed into a constructive ones as long as there is a consideration of the structure and relationship of the parties in dispute. Wallensteen (2007) opined that resolving conflict provides a ground for parties in conflict too, resolves their main incompatibilities, accepts each other, and stops any violent actions against each other. As long as that conflicting parties acknowledge and appreciate their differences, they can establish a rapport that facilitates peaceful engagements. Conflict resolutions are successful when parties are offered an opportunity to meet each other's needs and subsequently address their interests in a way that each party is satisfied with the outcome. Therefore, humanity can be protected and preserved from the onslaught that results in conflicts and war when the parties in conflict are impressed upon to adopt a mechanism for conflict resolution that offers solutions to their disputes (Wani, 2011).

Some of the efforts undertaken to deal with incompatibilities between the parties in conflict are peace agreements. It is worth noting that like therapeutic services that require follow-ups, even when a peace agreement is implemented, it may not be sufficient in establishing sustainable peace without follow-ups. Peace requires that parties do more than mere agreements (Wallensteen, 2007). In resolving conflicts, no party wins all or loses all (Wallensteen, 2007). This means that there must be compromise such that parties accept each other notwithstanding the agreement to be implemented by the opposing sides.

According to Albert (2014), there is a distinction between peacebuilding and peacekeeping. While peacekeeping is meant for conflict prevention as well as making peace, peacebuilding entails any actions to identify and support systems that are already existing and structures that solidify and strengthen peace to avoid re-occurrence (Boutros-Ghali, 1992). However, the actors in the field of conflict resolution tend to focus more on peace-keeping strategies, which makes it possible for a future eruption.

2.2 ADR methods used on conflict resolution

Community conflicts require an understanding of the societal structure, the relationship among groups; particularly how groups and individuals relate with one another. Researches on ADR in resolving conflicts have revealed that the ADR mechanism allows parties to negotiate, avoids antagonistic relationship, reduces hostility, and resolve the problem by offering a lasting solution for sustainable peace. ADR mechanisms recognize the fact that group matters are critical and that peace between individuals or groups is key to a sustainable relationship. Experience demonstrates that problems at the national level cannot be resolved without first dealing with problems at the grassroots (Boege, 2003)

Conflict resolution involves myriads of issues upon which parties in conflicts are entangled (Osei-hwedie & Rankopo, 2010). It is an opportune moment undertaken by stakeholders to bring about cohesion and unity. The ultimate goal is to renew the relationships within parties, individuals, families, and communities for a peaceful co-existence. Ndumbe (2001) opines that methods like reconciliation embrace symbolic gestures and are often characterized by rituals, including slaughtering animals and the exchange of gifts.

Mostly, conflicts are contained by the society in which they occur (Sunday, 2011). Where conflict escalates and becomes a national concern, government normally intervenes, and in situations where it is not a party to, actors including organizations take up the role of conflict manager (Lijphart, 1977).

Conflicts should be contained from the onset to prevent them from escalating to violence and creating a crisis (Osei-hwedie & Rankopo, 2010). However, there exists a distinction between conflict management and conflict resolution. Whereas the primary goal of conflict management is to prevent conflict from occurring by bringing all stakeholders on board, conflict resolution

seeks to de-escalate and settle an already existing conflict. The aim is to restore impaired relationships among parties.

ADR is not a remedy to every case. For instance, mediation would be suitable over other approaches (Nicholls, 2012). The nature of the dispute dictates which ADR techniques to be adopted and applied. Traditional methods of resolving conflicts like reconciliation, negotiation, mediation were applied in the past since there were no formal courts that could address people's grievances (Muigua, 2017). Mediation is considered a three-stage process involving mediation implementation, actual mediation, and mediation agreement, (Radulescu, 2012). The agreement only belongs to the parties who are obliged to support each other.

Alternative dispute resolution approach to solving conflicts within the framework of ADR, where mediation is differentiated, are seen as alternatives to traditional justice, which is efficient, faster, confidential, and above all, less expensive (Radulescu, 2012). Mediation is a voluntary procedure, in which case, the party in conflict gets the chance to express their interests, presided over by a third unbiased and neutral person. Telson and McDonald (1992) argued that mediation is a process that entails disputants actively participating in the resolution of their conflicts under the assistance of trained peers.

Mediation is different from the law since it allows parties in dispute to resolve their disagreement on their own and prevent others; thus, offering an opportunity to fulfill their aims while resorting to the legal justice system is perceived as the ultimate option as opposed to the first one (Radulescu, 2012). The traditional legal instruments which traditionally relied on conciliation and mediation were gradually overtaken by the justice system whose emphasis is authoritative and complex (Nicholls, 2012). Mediation guards the integrity of the parties' problems since it takes place in a private environment. Thus, the emotional stress stemming from a conflict situation is well reduced as opposed to the court setting which is often public.

According to the Dispute Settlement Centre of Australian State of Victoria (DSCV) report on fair efficient justice for all Victorians (VCAT, 2016), mediation carried out in state projected 84% settlement. Available studies world over have demonstrated, ADR works best as a complementary settlement instrument, and not a substitute for traditional justice systems (Radulescu, 2012).

Society has become more litigious such that our court systems have had to deal with a large number of cases ranging from family, criminal and commercial matters. ADR mechanisms have not only been used in resolving family conflicts but a wide range of conflicts. Arbitration entails parties calling upon a neutral person, usually one of their own who is knowledgeable in the subject matter (Nicholls, 2012). Parties to conflict elect to use arbitration, having agreed to embrace a non-violent approach of addressing their disputes, lack autonomy over their situation as opposed to those who use mediation and mechanisms.

Future cooperation between conflicting parties has to be guaranteed (Boege, 2003). According to Faure (2000), conflict is considered an unpleasant existence of the relationship within the society. Traditional conflict management is, therefore, a future curative measure. As such, the issue at stake is not all about punishing those culpable for their past actions, but rather, reconciliation, and restitution. Reconciliation is essential for the restoration of a cohesive society and in the general renewing of broken relationships (Boege, 2003). The purpose is not to impose a punitive measure on the group for the second time but to accord them an opportunity to forgive one another. The re-establishment of cohesiveness denotes re-integrating non-conformist members and restoring good relations (Faure, 2000). Restorative justice concerns compensation for loss and not retribution for offense (Zartman, 2000). The main goal of traditional conflict resolution is the restoration of relationships and harmony in society (Boege, 2003). Conflicting parties are supposed to negotiate to reach a consensus bearing in mind the interpretation of the past and to come up with a common view of the past collective history of violence (Huyse, 2008).

In reconciliation, it is crucial to reveal the truth and establish the facts. Once that is done, the perpetrators confess the wrongs they did, apologize, and request to be forgiven. Consequently, the victims accept the apologies and forgive. However, this process is normally characterized by compensation through an exchange of material goods, be it “blood money” or other gifts. It all depends on the culture of the parties involved and material goods may be in the form of pigs, cattle, garden produce, goats, or money (Boege, 2003). However, the focus for the exchange of material goods as compensation is just symbolic but not an opportunity to make adequate material repartition. The importance of compensation is that there is a transformation of reciprocity or “payback”, tit-for-tat which is common in traditional conflicts which results in

vicious cycles of conflicts and violence. This is replaced by the reciprocity of gifts, hence, helps to maintain the equilibrium value of reciprocity (Law Commission, 2006).

Sunday (2011) described negotiation as a direct process of discussion and dialogue between at least two parties in dispute. In this case, conflicting parties can directly negotiate to resolve their conflicts or, a third party may be called upon to preside over; in any case, the process is public and requires public participation for purposes of approval of the outcomes. In other words, traditional conflict resolution is consensus-based (MacGinty, 2008). The process is spearheaded by the community leaders including the traditional kings, priests, healers chiefs, elders, among others (Boege, 2003). These leaders were the mediator's negotiators, facilitators, and peacemakers and are highly esteemed for their knowledge of myths, customs, and the community's history.

Once a crisis has occurred, it is incumbent upon the government to move with speed and de-escalate the situation and bring cessation to violence. This is for the state to employ its state machinery and resources to bring the situation into normalcy. On many occasions, special military forces for internal security are deployed to solve crises. Notwithstanding their professionalism and impartiality, their intervention is short-term and only meant to deal with symptoms (Sunday, 2011). Military intervention is not a panacea to the civil crisis. The intervention is extremely slow to respond and negates early warning signals, and as a result, minimal or nearly zero success is realized (Gomos, 2011). For instance, it is argued that Nigerian Security System is more reactive than proactive, anticipating a crisis to emerge before rushing to put off the fire.

Other methods that have been used to resolve conflicts include collaboration and communication. Collaboration is the process in which conflicting parties join hands and engage one another through constructive engagement or other events such as joint projects, sharing of community's social amenities, utilities among others (Aghedho & Osumah, 2009). Communication involves sharing of information between individuals, groups, and potential parties in conflict (Sunday, 2011). The process of interacting and talking to each other indicates that conflicting parties can work together if given a chance to talk.

2.3 The effects of ADR Methods

ADR mechanisms like conciliation and mediation espouse principles that are critical in bringing about sustainable peace (Muigua, 2012). In Kenya, most of the ADR mechanisms that were commonly used by the indigenous Kenyan communities were negotiation, adjudication, reconciliation, arbitration, and mediation among others. ADR methods like reconciliation, mediation, and negotiation are non-binding and entirely depend on the willingness of the parties to reach an agreement (Miall, 2004)

In the mediation process, a more complete airing of grievances and improved relationship is permeated (Pearson, 1982). Where the use of Mediation fails to proffer solutions, future use of ADR by parties remains their preference (Charkoudian et al., 2017).

The parties that are entangled in value conflicts tend to be more aggressive and combative instead of persuasive approaches because force becomes the only curative measure that both sides honour and understand (Williams, 2005). However, the decision made after the results of the trial is an imposed decision; hence, has its consequences in terms of failure to comply and costs. It is worth noting that the method used in litigation is “settling” instead of “resolving” (Muigua, 2012). In the settlement, there is a tendency to focus on interests only while ignoring other critical needs like parties’ relations, emotions, perceptions, and attitudes. Settlement means that a third party is involved in presiding over the disputes, that is a court or an institution with greater power (Jung, 2003). The implication here is that the formal litigation process never amends the already broken relationship between parties in disputes which makes it possible for the problem to re-occur.

ADR mechanisms have been widely acknowledged as an alternative tool that is effective in enhancing access to the rule of law and justice. Conflict resolution can promote and enhance peace and minimize violence when the parties in conflict engage in negotiations in good faith to come up with a lasting solution to the problems causing the conflict (Miall, 2004). It is worth noting that ADR is based on mutual problem sharing, avoiding antagonism, fosters relationship and cohesion, reduces hostility, and hammers the problem by offering a lasting solution requisite peace that is sustainable.

2.4 Principles of ADR

The traditional conflict resolution mechanisms are based on the principles of sharing, empathy, and cooperation in resolving common problems which underline the essence of humanity (Ubuntu) (Muriithi, 2006). Cultural approaches play a crucial role in managing and resolving conflicts among communities. Indigenous norms of dispute settlement have been widely acknowledged for their effectiveness (International Penal Reform, 2000).

The vast majority live in rural areas and as a result, access to the formal state justice system is limited. ADRs are flexible and do not have to comply with certain rules and regulations imposed by people who do not know the disputes. The process takes into account the traditional cultures and norms and in most cases, the conflicts are heard and determined by experienced elders who are well versed on resolution matters and understanding of the people thus allowing for expeditious resolution (Muigua, 2015). Contrary, formal justice systems offered in courts may not be suitable for the resolution of disputes at the grassroots level or even urban areas whereby the individual relationship is broken hence creating a possibility of future re-occurrence (International Penal Reform, 2000).

The alternative process takes place outside the system of public dispute resolution (Faris, 1995). Parties' hidden interests are unveiled during ADR processes (Lindell, 1999). ADR mechanisms take into account local customs and traditions (Nolan-Haley, 2015). When the western intruded on Africa, there was a misconception about the communal life of Africans, the institutions they used conflict resolution, and the way they dispensed justice. Consequently, western countries introduced modern ideals of justice that were not framed on the principles and value underlying reconciliation and negotiation (International Penal Reform, 2000). Accordingly, it is averred that African problems cannot be resolved using western solutions. It is on this basis that Baya (2009) argued that due to the dynamic nature of the African society is cultural and social diversity cannot be satisfied with a peace process that disregards such a social phenomenon. However, according to Brigg (2008), conflict resolution has drawn from different traditions and has taken a trans-national character, but it predominantly operates via western knowledge.

According to Makgoro (2005), some principles are critical in the management of conflicts. The role of ADS has gained momentum globally. According to Wani (2011), the adoption and use of ADR in addressing different types of conflicts have tremendously increased. Globally, nations

have signed treaties to ensure there is peaceful coexistence among nations without conflicts. The United Nations (UN) Charter under Article 33 impresses upon parties in dispute to first seek a solution to the dispute, first by engaging in inquiry, negotiation, conciliation, arbitration, mediation, and judicial settlement as well as using regional actors or other peaceful means of their own choice (Muigua, 2012). The European Commission Report (2011) noted that the ADR schemes are cheaper, flexible, more informal, and quicker, compared to seeking legal redress.

Regionally, most nations still use customary laws where the traditional justice systems are legitimately applied in resolving disputes (Muigua, 2012). Muigua (2012) further noted that traditional methods of resolving disputes substantially contributed to promoting cohesion and unity over individual humanness and interests. For example, indigenous dispute resolution has played a major role in conflicts resolution, more so in those involved natural resources among the pastoralists in Kenya (Muigua, 2010). These disputes are characterized by complex and intractable cultural dimensions which cannot be addressed effectively using the formal mechanisms of conflict resolution. According to Baya (2009), the indigenous mechanism for dispute resolution has been recognised for their innovative ways of resolving longstanding and conventional disputes in modern society.

According to Mutisi (2011), ADR mechanisms have been practiced in African communities over the years. The mechanisms have been acknowledged for their effectiveness and potentiality in resolving various kinds of disputes as far as time-effectiveness and feasibility are concerned (CAPCR, 2015). However, as Kwagha (2014) argued African nations have largely accepted the methodologies for dispute resolution. However, they have not grasped their instrumentalities effectively to address the African problems effectively.

The indigenous African institutions played a fundamental role in creating peaceful co-existence among community members. Some of the communities in Kenya are faced with a myriad of challenges that range from cattle rustling, land disputes, unequal distribution of resources, ethnicity among others. Over the years these communities have resolved their disputes using traditional methods, which have been hitherto used in the past but had not been structured and formalized to address people's grievances effectively. However, in modern society, the old traditional conflict resolution mechanisms are re-invented to be consistent with requirements of the modern society. Conflict resolution mechanism among the traditional African people was

widely appreciated for the opportunity it offered for the people in dispute to negotiate and arrive at mutually binding agreements.

2.5 Acceptability of ADR Mechanisms

Kenya's 2010 constitution reiterates that to realize access to justice, there must be a framework that is anchored on the principles of proportionality, expedition, and equality of opportunity, process fairness, cost-effectiveness, party autonomy, the effectiveness of the remedy, and party satisfaction (Maiese, 2013). The results of the ADR justice system are mutually acceptable and consider the source of conflict (Cloke, 2005).

ADR encompasses immediate, significant, and sheer benefits which include party attitudes and relationships between and among communities, a greater sense of empowerment and voice as well as increasing party satisfaction (Charkoudian et al., 2017). Most ADR studies have pointed out high levels of party satisfaction. Participants always have confidence in both the process and outcome (Maiman, 1997).

According to Kariuki (2010), the ADR mechanisms have increasingly gained momentum, and nations across the world have fully established relevant institutions to support this noble course. In African nations, some customary laws support the use of indigenous methods resolving disputes which need to be explored further to address disputes. For instance, there exist organized forums like the Meru's there still exist Njuri Ncheke and the Kikuyu's council of elders where conflicts are heard and resolved.

Mechanisms like mediation and arbitration have gained momentum in the modern era backed up by global business actors (Muigua, 2018). In Kenya, there are laws on mediation and arbitration that have been ratified and developed based on international best practices (Arbitration Act, 1995). According to Huyse and Salter, (2008), many institutions that have been established are rooted in the history and culture of societies and normally operate around reparation, reconciliation, and openness.

Article 33 of the United Nations Charter emphasizes countries first embrace the ADR mechanism before resorting to any other means. The protocol requires that disputants must endeavour to first seek solutions by the application of such approaches like mediation,

reconciliation, arbitration, and other peaceful means that they feel will guarantee them equality (UN Charter, 1945). Food and Agricultural Organization (FAO) which forms part of the UN organs affirms that indigenous knowledge can be conceptualized as a repository of ideas and actions upon which community members facing problems can refer to and resolve the issues (Leone, 2013). Lenairoshi (2014) observed that traditions have played a major role throughout Africa as far as bringing togetherness and cohesion among and between communities. The indigenous values have significantly contributed to social order in Africa and have been creatively incorporated in their formal justice system as a conflict resolution mechanism.

In the past, conflicts were solved without political or physical elimination of the opponent (Wallensteen, 2007). During his visit to Teris on 11th April 1963, John Pope XXIII used the theme; “Establishing Universal Peace in Truth, Justice, Charity, and Liberty” stated. That Disagreement must be settled, not by force, not by trickery or deceit but rather in a way which is worthy of man’s dignity, that is, through mutual assessment of both sides of a dispute, by an objective and mature investigation of the situation and by an equitable reconciliation of divergent opinion

The constitution of Kenya has recognized the ADR and indigenous methods of resolving disputes Article 159 (2) (C) enjoin tribunals and courts in the exercise of judicial authority, to promote ADR such as mediation, reconciliation, arbitration, and traditional dispute resolution mechanisms (Constitution of Kenya, 2010). The constitution further requires that while applying ADR mechanisms, parties must ensure that there is no violation of various rights as indicated in the Bill of Rights (Muigua, 2012). Therefore, the application of ADR must not be inconsistent with the constitutional provisions and Kenyan law. ADR mechanism has been applied in resolving conflicts in Garissa, Wajir, and Mandera districts as witnessed under the Modogashe initiative in where community members resolved their issues and resolved to deal with the problem of trafficking of arms, livestock movements, banditry, and other socioeconomic problems (Muigua, 2017).

Unfortunately, the formal mechanisms of resolving conflicts have failed to effectively diagnose societal conflicts, identify their root causes, and establish solutions that result in sustainable peace. Consequently, the lack of or absence of effective or proper conflict management and mechanisms for dispute resolution has caused the escalation of conflicts that out to have been

resolved once and for all (Eloma, 2014). Galtung (2009) correctly noted that successful engagement for peace involves mediation for the present, peacebuilding for the future, and conciliation for the past.

Mechanisms for conflict resolution can thus be understood as processes and methods used in brokering peace between parties in dispute. These mechanisms have been used in the past to address the economic, social, cultural, and political conflicts among the people. Bercovitch *et al* (2009), described conflict resolution as ways of ending or settling conflicts that involve joint efforts to come to a mutually acceptable agreement. In families and societies, these methods have long been practiced, and include various forms of adjudication and mediation to resolve disputes. Zartman (2009) noted that even between opposing societies, negotiations have been applied throughout history to reach agreements regarding issues.

According to Lederach (1997), the local people and their culture is the greatest resource that ensures peace and tranquility prevail in the long term. It is worth noting that communities have different cultures hence have different forms of conflicts. Abebe (2013), opined that the causes of such conflicts are also different; hence, the need to come up with mechanisms for conflict resolution and prevention. Michelle (2003) argued that peacebuilding becomes successful when it is based on the local understanding of peace and other underlying factors which create or enhance conflicts.

Boutros-Ghali (1992) noted that strategy for resolving conflict calls for mitigation measures and early warning systems. Conflict prevention measure like ‘pre-peace’ building mechanism is effective as it helps to resolve the root cause before it escalates to violence. On the other hand, the early warning systems aim to identify threats such that an effective measure for conflict prevention can be established. It is worth noting that where a dispute is identified early and its root cause addressed properly, there is less likely, that the situation will escalate into violence.

Besides, helping in preventing violent conflicts, ADR mechanisms have also acted as methods of peace-building. The community becomes a key player in resolving disputes. Consequently, the restoration of confidence amongst the local actors in post-conflict situations has been increasingly acknowledged as important so that the ownership of the peace-building process may be established both locally and nationally (Donais 2009). Peacebuilding is crucial at the

grassroots as it helps the locals to live in a peaceful society based on their identification of key resources and conditions inside the society. This approach claims the possibility that a post-conflict community can choose the path toward peace and construct a commitment toward its implementation.

According to Morgan (2005), the locals are involved in conflicts in two ways, either as victims or as active participants. Thus, their engagement in resolving conflicts and reconstruction of their society is important in achieving sustainable peace. In the process of the peacebuilding process, the outsiders need to impose a new reality but must be culturally and socially constructed, step by step by the locals in collaboration with outside supporters. In support of this, Lederach (1997) noted that the most effective manner of ensuring there is sustainable peace is by engaging the local people and considering their culture. The conflicting parties, thus, need to understand the cultural dimension of the conflict as well as be in a position to identify mechanisms that is in line with their culture. By using the local mechanism in dispute resolution, it becomes more effective in enhancing the relationship and conflict resolution (Eloma, 2014).

According to Muigua (2012), the ADR mechanisms are more focused on resolving the root cause of the dispute. These mechanisms aim at addressing the root causes, contrary to methods such as litigation that seek to settle a particular dispute. In most cases, settlement entails an agreement over issues and there is a high likelihood the process of seeking justice through litigation may be compromised (Bloomfield, 1995).

The use of ADR mechanisms has been widely supported by the constitution of Kenya, where various provisions like Article 159 (2), 189 (4) call upon the parties to apply ADR mechanisms such as mediation, arbitration, negotiation for disputes resolution. This implies that ADR mechanisms are widely acknowledged in conflicts management (Muigua, 2012). It is believed that these mechanisms will offer swift solutions to the Migori-Narok Border conflict. The application of indigenous mechanisms for resolving disputes has been used to enhance group relationships over personal interests and humanness expressed in terms such as “*Utu*” in East Africa and as “*Ubuntu*” in South Africa (Muigua, 2015).

In comparison, ADR digs deeper into the root causes of conflicts or disputes between parties by aiming at post-conflict relationships founded on imposition (Mwagiru, 2006). Resolution is

preferred for its effectiveness to amicably resolve conflict and avoid the potentiality of future re-occurrence. Conflict resolution is based upon the idea that the root cause of conflict stems from incompatible human needs which are non-negotiable (Bercovitch 2009). This is linked to the idea that conflicts resolution is meant to offer a mutual problem-solving solution where both parties get justice not based on their bargaining power, but by recognizing that their relationship is not based on or founded on power. The current study looked at the way ADR mechanisms may be used to resolve conflicts along the Migori-Narok border. ADR mechanisms include negotiation, mediation, conciliation, arbitration, and expert determination (Muigua, 2012).

2.6 Theoretical Framework

The study was premised on the theory of conflict transformation advanced by a Norwegian Johan Galtung, founder of peace and conflict studies. The conflict transformation school opines that conflicts are dynamic and can be transformed into something socially useful and non-destructive. Conflict, therefore, must adopt a process that is changeable and capable of transforming rather than resolving. The theory looks into the behavioral, attitudinal, and structural aspects with emphasis on creating positive constructive conflict. Conflict transformation theorists argue that conflict transcends beyond renewing relationships and the identification of win-win situations (Miall, 2004). The structural relationship of disputants or parties may go beyond the vicinity of conflict.

Conflict transformation prescribes an outcome whose aim is to renew and restructure relationships, interests, discourses, and any other factor that may be supporting the continuation of violent conflict. Parties involved in conflicts, whether affected directly or indirectly, have a complementary role in the quest for sustainable peace. Further, the theory recognizes that constructive conflict is very critical for change. The process of conflicts transformation is gradual, via a series of changes smaller and large as well as specific steps via which various actors may play crucial roles. It incorporates such activities as conflict resolution and prevention. In a nutshell, conflict transformation seeks to remove conflict parties from zero-sum positions and towards a positive outcome. The research will use this theory since it recognizes that conflict resolution is a community process. Ledarach (1997) argues that the greatest resource for ensuring sustainable peace is always anchored on the locals themselves and their culture. This implies that

peace can be achieved where it relies upon local conceptions of peace and the underlying dynamics to transform incompatibilities into positive relationships. The theory is relevant to the analysis of Migori-Narok border conflicts as it recognizes the idea that conflict resolution can only be resolved by involving the local community members who understand better their social problems. societies resilient to a violent conflict are those with opportunities for inclusive and constructive engagement (Lee et al., 2017).

2.7. Conceptual Framework

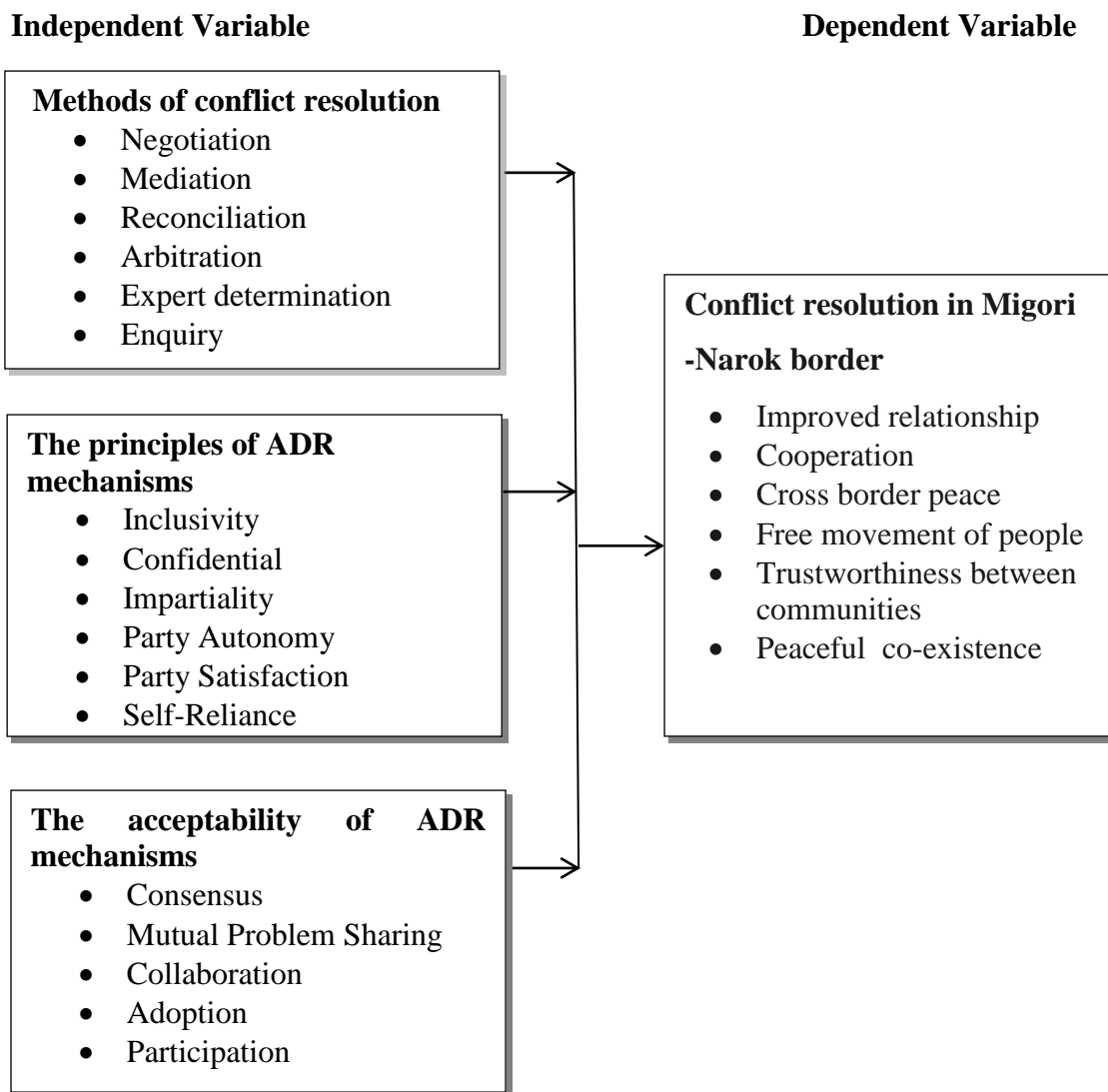


Figure 2. 1: Conceptual Framework

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This section presents the research methodology used to conduct the study. In particular, the chapter discusses the research design for the study; the location of the study; the targeted population, sampling methods used for the study; research tools, reliability and validity of the research tools, methods of data analysis; and ethical considerations. The study adopted both qualitative and quantitative methods of analyzing data.

3.2 Research Design

The study employed a descriptive research design to elicit an in-depth insight into the ADR methods used and their effects on communities. Mugenda and Mugenda (2003), opines that in descriptive research subjects are reported the way they are. The data were obtained through both qualitative and quantitative approaches. The research design was preferred since it helps to accurately and systematically describe the target population, the phenomenon, or the situation under study. Besides, it helps in understanding the influence of one variable over the others, which was the aim of the study.

3.3 Location of the Study

The study was conducted along the Migori-Narok border covering Masurura, maswangwe, Kerinkani, and Isokoni areas. The area was an ideal site for the study due to its frequent conflicts and also given the fact that Maasai and Kuria share common interests and values. The area is also inhabited by both farmers and pastoralists with the majority being livestock keepers. The Maasai practice livestock keeping while on the other hand, Kuria ethnic community practices mixed farming.

3.4 Target Population

The study drew results from four sub-locations; Masurura, and Mashangwe in Migori county, and Kerinkani and Isokoni in Narok County. According to Kenya Population and Housing Census Report, the four areas had an estimated population of 21,916 (KPHC, 2019). Mugenda and Mugenda (2003) noted that drawing a representative sample from the target population may

pose challenges as one would strive to identify individual members. The research targeted adults of 18 years and above who included; community members, and administrators due to their vast knowledge of conflict and impartiality. This enabled the researcher to cover a full range of possible characteristics for detailed exploration and understanding of the central theme of the research question.

Table 3. 1: Accessible Population

Sub-County	Sub-County	Sub-Locations	Below 18 Years	Above 18 Years	Total Population
Migori	Kuria East	Mashangwe, Masurura	7,285	2,928	10,213
Narok	Kilgoris south	Isokoni, Kerinkani	4,916	6,847	11,763
Total			12,201	9,775	21,976

Source: Kenya Population and Housing Census, 2019

3.5 Sampling Techniques and Sample Size

Both non-probability and probability sampling. Under probability, simple random sampling was employed in sampling community members. Purposive sampling was used to collect data from key informants. This method was appropriate as I allowed the researcher to identify and select people who were aware of the problem along the Migori-Narok Border. A sample of 384 respondents derived from the population was interviewed. The criteria to be used included residents aged 18 years and above, of whom 378 members were drawn from the four sub-locations of Mashangwe, Masurura, Isokoni, and Kerinkani, each having 94 respondents. The researcher also interviewed administrators comprising of 2 ward administrators, 2 Deputy County commissioners, 2 Assistant County Commissioners, and 2 chiefs for more in-depth information. The desired sample size was computed using Yamane's (1967) formula. According to him, for a 95% confidence level and $p=0.5$ size of the sample should be

$$n = \frac{N}{1+N(e)^2}$$

Where **N** is the size of the population size and *e* is the precision level

$$n = \frac{9975}{1+9975(.05)^2} = 384 \text{ respondents}$$

3.6 Research Instruments

The researcher used interview administered questionnaires to collect quantitative data on methods that have been used, how they have been used, and the community's understanding of ADR principles and their effects on conflict resolution. Likert scale was used to collect data on the level of acceptability of ADR. Qualitative data was collected using Focus groups discussion and key informant interview guide on the community's understanding, attitudes, and perception regarding the effects of ADR on Conflict resolution. Secondary data was gathered from projects, thesis, books, journals, government, newspapers, electronic sources, and administrative reports.

3.7 Pilot Study

A pilot study was done before the actual field work to test whether the participants experienced any technicalities in responding to the questionnaires. This was also done to determine the time that respondents would take to complete the questionnaires and consequently, point out the way data collection instruments would perform in the field. The pilot study was carried out along the Migori-Narok border at Isokony and Mashangwe Sub-locations. 30 respondents were selected randomly each representing 15 respondents . The pilot study helped to assess the reliability and validity of the research instruments.

3.7.1 Reliability

The reliability of the questionnaire was assessed using the test-retest during the pilot study and each questionnaire was administered twice to the same respondent at an interval of two days. Scores obtained in one item were correlated with those obtained from other items in the questionnaire. The data collectors were trained on how to ask all the questions and record responses to ensure uniformity and avoid bias. The Cronbach's alpha reliability coefficient was used to test the reliability of the questionnaire (Mugenda & Mugenda, 2003). Field (2009) noted that a Cronbach's alpha value of 0.5 or more is an indication of reliability.

3.7.2 Validity

The usual procedure of assessing the content validity of a measure is using experts or professionals in the specific field that helps to improve the quality of the study (Mugenda & Mugenda, 2003). All data collection tools were evaluated before data collection by professionals who are experts in the subject matter of ADR and conflict resolution. Given this, content validity was checked during the pilot study to ensure that instruments were adjusted and modified to accurately reflect the concept the researcher sought to measure. Different interviewers conducted the pre-test and the interviews were repeated several times with different people to ensure validity and reliability. Triangulation of multiple data sources and diversification of study participants for data quality was put into account.

3.8 Data Analysis Procedures

The collected data was cleaned, coded, and analyzed. Quantitative data was analyzed with the help of the Statistical Package for the Social Sciences (SPSS). Descriptive statistics were used to summarize the data. The data was then presented in tables. On the other hand, qualitative data was analyzed through thematic analysis whereby data collected was organized in various patterns, categories, and themes identified and assigned codes for interpretation. The researcher then evaluated and analyzed the data including those that had emerged during the literature review to assess the adequacy of information and the consistency, usefulness, credibility, and validation. The results were thereafter tabulated for ease of interpretation and visualization. Triangulation of information obtained from various respondents was performed such that responses on similar themes or objectives emanating from different respondents were compared to weed out any chances of conspiracy.

The testing of the level of significance of the independent variables against the dependent variable was done using regression coefficient which helped to determine the magnitude and directions of relationships. A positive relationship meant both the independent and dependent variables vary in the same direction. On the other hand, a negative relationship denoted great variance in opposite directions.

Multiple regression analysis at a 5% level of significance was used to analyze the relationship between the independent and dependent variables. According to the model summary table, R is the correlation coefficient that shows the relationship between the independent variables and dependent variables as shown by the R-value. The coefficient of determination (R^2) explains the extent to which changes in the independent variable occur on resolving conflict in the Migori-Narok border (R^2)

The relationship among the variables is depicted in the equation below

$$Y = B_0 + B_1X_1 + B_2X_2 + B_3X_3 + \dots + B_4X_4 + \epsilon$$

Where,

Y = Conflict Resolution (dependent variable). \hat{a}_0 = Constant (coefficient of intercept)

X_1 = Methods

X_2 = Principles

X_3 = Acceptability

$B_1 \dots B_4$ = Regression coefficient of four variables.

ϵ = Error term normally distributed about the mean of zero

3.9 Ethical Consideration

This study followed all the recommended ethical requirements. Ethics are self-regulatory guidelines defining professions and decision-making. The study, therefore, complied with a vast majority of today's social scientist's ethical principles the key of included professional competence, integrity, respect for people's rights and fundamental freedoms, dignity, and diversity.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION, AND DISCUSSION

4.1 Introduction

This chapter presents data analysis in line with the objectives of the study. The data obtained were presented in tabular form. The chapter was further sub-divided into several sections that were pertinent to the subject under study.

4.2 Response rate

The study was conducted on a sample of 384 respondents. Therefore, 384 questionnaires were distributed but 10 of them were not appropriately filled and useable for the study. This represents a 90% response rate which is excellent for generalizing the entire population

4.3 Reliability Tests

The testing of the reliability of the questionnaire was done using Cronbach's alpha. As shown in Table 4.1, the Cronbach's alphas values were more the 0.7. According to Hair *et al.* (2010), values above 0.6 are acceptable. Therefore, the research instrument was reliable.

Table 4. 1: Reliability Test

Variable	Cronbach's Alpha	No of Items	Reliability
ADR Methods	0.799	6	Reliable
ADR Principles	0.965	7	Reliable
Acceptability of ADR	0.975	7	Reliable
Conflict Resolution	0.884	6	Reliable

Source: Survey data, 2021

4.4 Biographic Information and General Information

4.4.1 Gender

The researcher sought to know the gender of every respondent. The issue of gender was important in the study since different genders are affected differently by conflict. For instance, women are more affected than men; hence, including views for both gender was important since they may have different views concerning conflicts.

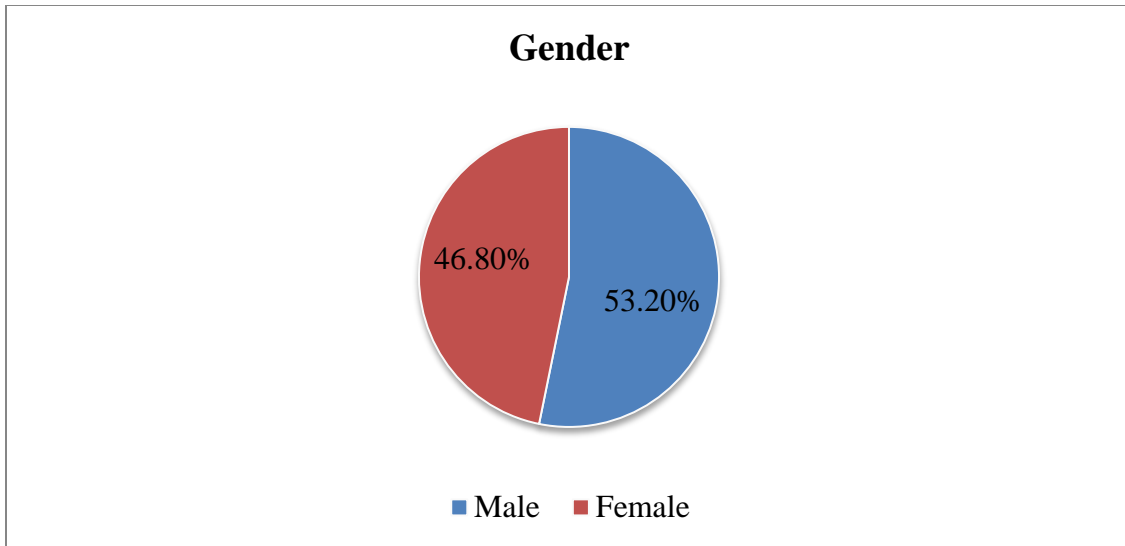


Figure 4. 1: Representation by Gender

Source: Survey data, 2021

The percentage of female participants in the study was 53.2% whereas male respondents were 46.8% (Table 4.1). The number of male participants was slightly higher than the number of female participants.

4.4.2 Education Level

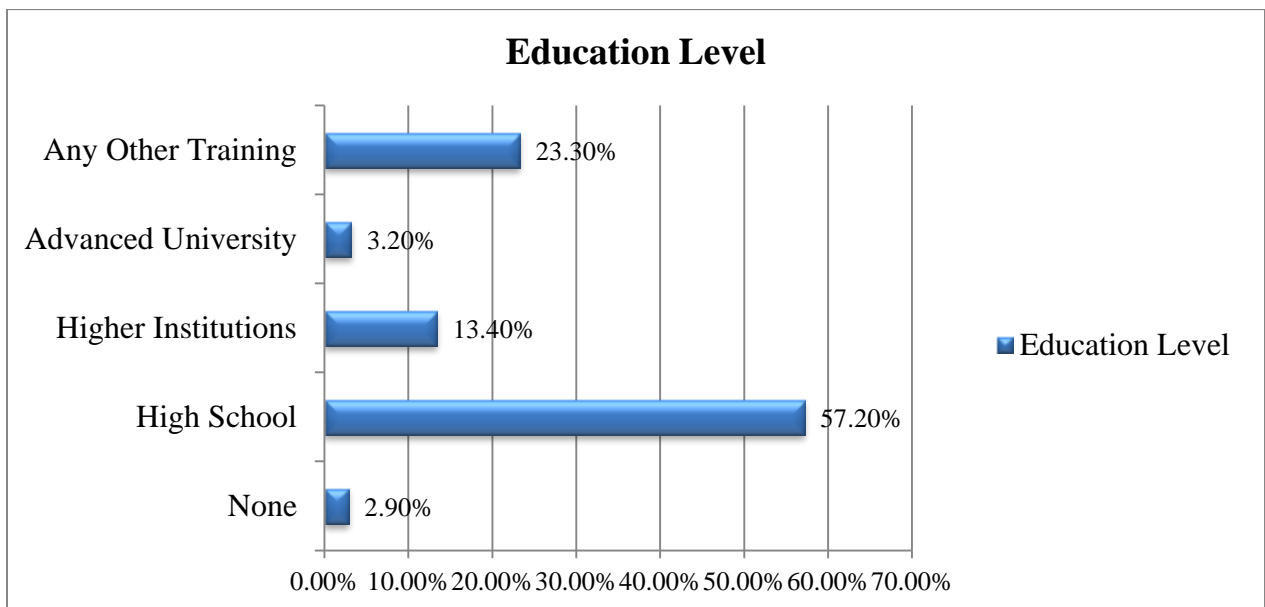


Figure 4. 2: Participants' Education level

Source: Survey data, 2021

The findings of the study show that 57.2% of the respondents have attended high school education whereas 23.3% have received other Training. 13.4% of the respondents have attended higher institutions and 3.2% advanced universities 2.9% of the respondents have had no educational background at all.

4.4.3 Respondents' Ethnic Group

Table 4. 2: Participants Ethnic Group

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Kuria	252	67.4	67.4	67.4
	Maasai	122	32.6	32.6	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the study, the data indicated of the 374 respondents, the majority 67.4% were from the Kuria ethnic group whereas 32.4% were from the Maasai. This shows that each ethnic group that is involved in conflict along Migori-Narok Border is well represented, which is important since views from both sides are required for the study.

4.4.4 Participants' Period of stay in County understudy

Table 4. 3: Participants' Period of stay in County understudy

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0 - 5 Years	12	3.2	3.2	3.2
	10 Years and above	362	96.8	96.8	100.0
Total		374	100.0	100.0	

Source: Survey data, 2021

The results in Table 4.4 show that majority of the participants have been residents of the area of study for 10 years and above as shown by 96.8%. Was only 3.2% of the respondent who has been residing in the area of study for less than 10 years. This implies that all participants are knowledgeable about the situation along the Migori-Narok Borders. This is very essential for the study since the participants gave the views from a fact point of view.

4.5 Descriptive statistics

4.5.1 Respondent's understanding of ADR

Table 4. 4: Respondent understands ADR

	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Presence of peace between parties or communities	152	40.6%	222	59.4%	374	100.0%
Out of court resettlement of disputes	189	50.5%	185	49.5%	374	100.0%
Allocation of Resources	115	30.7%	259	69.3%	374	100.0%
Resolution of conflicts through court process	25	6.7%	349	93.3%	374	100.0%

Source: Survey data, 2021

A case study of the respondent's understanding of ADR over the total number of respondents indicates that 50.5% understood ADR as out-of-court resettlement of disputes whereas 40.6% of respondents understood ADR as the presence of peace between parties or communities. 30.7% understand ADR to be the allocation of resources while 6.7% understood ADR as the resolution of conflicts through the court process.

4.5.2 Dispute resolved in the community using any of ADR mechanisms

Table 4. 5: Dispute resolved in the community using any of ADR mechanisms

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Land dispute	348	93.0%	26	7.0%	374	100.0%
Cattle rustling	348	93.0%	26	7.0%	374	100.0%
Clan conflicts	350	93.6%	24	6.4%	374	100.0%
Inter-Ethnic conflicts	300	80.2%	74	19.8%	374	100.0%
Water and pasture disputes	249	66.6%	125	33.4%	374	100.0%
Domestic violence	251	67.1%	123	32.9%	374	100.0%
Political conflicts	104	27.8%	270	72.2%	374	100.0%

Source: Survey data, 2021

A case study of what disputes were resolved in the community revealed that of the total number of respondents, 93.6% believed that clan conflict disputes were resolved by ADR mechanism

while 93.0% regarded Land dispute and cattle rustling as issues addressed through the mechanisms. 80.2% viewed Inter-Ethnic conflicts as resolved disputes, 67.1% perceived domestic violence as the most resolved dispute while 66.6% regarded Water and Pasture disputes as those resolved using ADR mechanisms. 27.8% of the Respondents felt that Political Conflicts disputes were resolved using ADR mechanisms. The results confirm the importance of the ADR mechanism in resolving disputes. Therefore, the results support Osei-hwedie & Rankopo (2010) who noted that ADR Mechanism gives outcomes that are more legitimate to the people thus breeding harmony, unity, and mutual understanding in various disputes (Osei-hwedie & Rankopo, 2010).

4.5.3 The performance of ADR methods in the community

The study sought to establish the performance of ADR methods in the participant's community has performed over the years. The results are presented in Table 4.8.

4.5.3.1 More cohesive and united society

Table 4. 6: More cohesive and united society

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	361	96.5	100.0	100.0
Missing	System	13	3.5		
Total		374	100.0		

Source: Survey data, 2021

Based on the findings of the study in Table 4.8, the data indicates of the 374 respondents, the majority 96.5% agreed that ADR improved unison and promoted a more cohesive and united society. This implies that ADR methods have performed better in enhancing the stability of the communities which confirms findings by Uwazie (2011) noted that ADR methods help in preventing conflicts and enhancing stability in the society.

4.5.3.2 Trust between community members

Table 4. 7: Trust between community members

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	348	93.0	100.0	100.0
Missing	System	26	7.0		
Total		374	100.0		

Source: Survey data, 2021

According to the findings of the study presented in table 4.9, the data indicates that 93.0% agreed that ADR strengthened Trust between community members. The results confirm results by Schwarzrock (2018) who noted that ADR helps in creating mutual trust between police and community members.

4.5.3.2 Freedom of movement from one community to another

Table 4. 8: Freedom of movement from one community to another

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	301	80.5	100.0	100.0
Missing	System	73	19.5		
Total		374	100.0		

Source: Survey data, 2021

The findings of the study show that 80.5% recognized that ADR mechanisms increased freedom of movement from one community to another. This implies that ADR has been effective in creating peace and harmony amongst the communities such that one member of the community is free to move to the other community without fear of attacks. This is in line with Uwazie (2011) conclusion that the ADR mechanism brings peace to society.

4.5.3.3 Equitable distribution of resources among the residents

Table 4. 9: Equitable distribution of resources among the residents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	38	10.2	100.0	100.0
Missing	System	336	89.8		
Total		374	100.0		

Source: Survey data, 2021

As shown in Table 4.11, 10.2% of the participants had the opinion that ADR mechanisms bettered equitable distribution of resources among the residents. This shows that there is little link between the ADR mechanism and equitable distribution of resources.

4.5.3.4 Community disintegration

Table 4. 10: Community Disintegration

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	12	3.2	100.0	100.0
Missing	System	362	96.8		
Total		374	100.0		

Source: Survey data, 2021

According to the findings presented in Table 4.13, the data indicates that 3.2% had the opinion that ADR reduced Community disintegration.

4.5.4 Effectiveness of the ADR methods in resolving conflicts in Migori-Narok border

Table 4. 11: Effectiveness of the ADR methods in resolving conflicts

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	374	100.0	100.0	100.0

Source: Survey data, 2021

The findings of this study show that 100.0% of the respondents believed that the ADR methods have been effective in resolving conflicts in the Migori-Narok border. This confirms the findings by Midodzi and Imoro (2011) that ADR methods are effective in solving conflicts among communities.

4.5.5 Participants' involvement in conflict resolution

The study sought to establish whether the participants have been involved in conflict resolution along the Migori-Narok border using ADR methods. The results are presented in Table 4.14.

Table 4. 12: Participants' involvement in conflict resolution

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	124	33.2	34.3	34.3
	No	237	63.4	65.7	100.0
	Total	361	96.5	100.0	
Missing	System	13	3.5		
Total		374	100.0		

Source: Survey data, 2021

Based on the result presented in Table 4.14, the study shows that 63.4% of the respondents have never been involved in conflict resolution in the Migori-Narok border using ADR methods. On the other hand, 33.2% of the respondents were involved in conflict resolution in the Migori-Narok border using the ADR methods.

4.5.6 The initiator of ADR process on Migori-Narok border

The study further sought to establish from the participants who indicated they have been involved in conflict resolution along the Migori-Narok border using ADR methods, the person who initiated the process of ADR on the Migori-Narok border. The results are presented in Table 4.15.

Table 4. 13: The initiator of ADR process on Migori-Narok border

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
National Government	13	3.5%	361	96.5%	374	100.0%
County Government	26	7.0%	348	93.0%	374	100.0%
Religious Leaders	85	22.7%	289	77.3%	374	100.0%
Local leaders	50	13.4%	324	86.6%	374	100.0%
NGOs	50	13.4%	324	86.6%	374	100.0%

Source: Survey data, 2021

A case study of which institution, body, or group initiated the ADR process on the Migori-Narok border reveals that of the total respondents in each category, 22.7% viewed the religious leaders as the prime movers of the process, whereas 13.4% of the respondents deemed both the Local Leaders and NGO as the initiators. 7.0% viewed the County Government as the initiators of the ADR process while 3.5% regarded the National Government as the Initiators.

4.5.7 Descriptive statistics on the Effects of ADR methods on Conflict Resolution in Migori-Narok Border

4.5.7.1 ADR methods have improved community relationships in Migori-Narok

Table 4.14: ADR methods have improved community relationships in Migori-Narok

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	63	16.8	16.8	16.8	0.375
	Agree	311	83.2	83.2	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

The data indicated in Table 4.16 shows that 83.2% of respondents agreed that ADR methods have improved community relationships in Migori-Narok Border while 16.8% strongly agreed with the statement. The standard deviation for the responses was 0.375. The low standard deviation indicates a low variation of the responses since the majority of the participants agreed ADR methods have improved community relationships in Migori-Narok. In cases where the standard deviation is low, the data points are very close to the mean.

4.5.7.2 ADR methods have enhanced community attitude on Conflict resolution

Table 4.15: ADR methods have enhanced community attitude on Conflict resolution

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	139	37.2	37.2	37.2	1.233
	Disagree	98	26.2	26.2	63.4	
	Not Sure	137	36.6	36.6	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

As shown in Table 4.17, concerning ADR methods enhancing community attitude on Conflict resolution, the data indicates that 37.2% of respondents agreed with the statement whereas 36.6% were not sure about the attitude enhancement. In contrast, 26.2% disagreed that ADR procedures had enhanced community attitude on Conflict resolution. The results show that the standard deviation was very high at 1.233. This shows that the data points are spread out over a large range of values or that there are high variations in response as shown in Table 4.17.

4.5.7.3 ADR methods have brought a greater sense of community empowerment and voice on conflict resolution in the Migori-Narok border

Table 4.16: ADR methods have brought a greater sense of community empowerment and voice on conflict resolution in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	24	6.4	6.4	6.4	0.836
	Agree	87	23.3	23.3	29.7	
	Disagree	39	10.4	10.4	40.1	
	Strongly Disagree	13	3.5	3.5	43.6	
	Not Sure	211	56.4	56.4	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Based on the findings of the study, the data in Table 4.19 shows that 56.4% of the respondents were not sure of ADR methods have brought a greater sense of community empowerment or voice on conflict resolution in Migori-Narok border. However, 23.3% of the respondent agreed that the methods had improved community empowerment and voice on conflict resolution. Similarly, 6.4% of the respondents strongly agreed with the statement. Conversely, 10.4 of the respondents Disagreed that was the case in regards to the statement, while similarly, 3.5% strongly disagreed that the methods had improved community empowerment and voice on conflict resolution at the border. The standard deviation is 0.836, which is high implying there are high variations in responses as shown in Table 4.18.

4.5.7.4 ADR methods on Conflict Resolution have improved party satisfaction

Table 4. 17: ADR methods on Conflict Resolution have improved party satisfaction

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	1.053
	Agree	123	32.9	32.9	36.4	
	Disagree	87	23.3	23.3	59.6	
	Strongly Disagree	38	10.2	10.2	69.8	
	Not Sure	113	30.2	30.2	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

The findings presented in Table 4.19 reveal that 32.9% of the respondents agreed that ADR methods on Conflict Resolution had improved party satisfaction. Similarly, 3.5% of the respondents strongly agreed with the view. Conversely, 23.3% of the respondents disagreed with the view while similarly 10.2% strongly disagree that ADR methods on Conflict Resolution had improved party satisfaction. On the other hand, 30.2% of the respondents were not sure whether ADR methods on Conflict Resolution had improved party satisfaction.

4.5.7.5 Use of ADR methods have decreased reliance on Police

Table 4. 18: Use of ADR methods have decreased reliance on Police

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	37	9.9	9.9	9.9	0.866
	Agree	247	66.0	66.0	75.9	
	Disagree	26	7.0	7.0	82.9	
	Strongly Disagree	13	3.5	3.5	86.4	
	Not Sure	51	13.6	13.6	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

As shown in Table 4.20, with connection to the use of ADR methods, 66.0% of the respondents agreed that there is decreased reliance on Police. Similarly, 9.9% strongly agree with the notion. In contrast, 7.0% of the respondents disagreed with the view that there is decreased reliance on the police following the use of ADR while 3.5% strongly disagreed with the view. On the other hand, 13.6% of the respondents were uncertain whether there was decreased reliance on police.

This implies that ADR methods have been effective in minimizing crime, minimizing the legal systems which require police to implement. The results, thus, confirm the findings by Charkoudian (2010) that ADR methods specifically mediation leads to better compliance with the outcomes, minimize future court filings, and reduce reliance on the police and other public resources.

4.5.7.5 ADR methods on Conflict Resolution have led to community compliance

Table 4. 19: ADR methods on Conflict Resolution have led to community compliance

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	75	20.1	20.1	20.1	0.766
	Disagree	98	26.2	26.2	46.3	
	Strongly Disagree	13	3.5	3.5	49.7	
	Not Sure	188	50.3	50.3	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

In connection with community compliance, the study data in Table 4.22 shows that 50% of the respondents were uncertain as to whether the community compliance was an outcome of ADR mechanisms on Conflict Resolution. On the other hand, 26.2% of the respondents disagreed that ADR methods on Conflict Resolution have led to community compliance while 3.5% strongly agree with the view. In contrast, 20.1% of the respondents agreed that ADR methods applied during Conflict Resolution have led to community compliance. This contradicts previous findings by Charkoudian (2010) that ADR methods specifically mediation lead to better compliance with the outcomes.

4.5.8 Descriptive statistics on the effects of the guiding principles on conflict resolution

4.5.8.1 Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in Migori-Narok border conflict

Table 4. 20: Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in Migori-Narok border conflict

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	0.790
	Agree	160	42.8	42.8	46.3	
	No idea	139	37.2	37.2	83.4	
	Disagree	62	16.6	16.6	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.22 shows an analysis of the view that Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in the Migori-Narok border conflict. The data indicates that 42.8% of the respondents agreed with the statement while similarly 3.5% strongly agreed with the view. In contrast, 16.6% of the respondents disagreed that Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in the Migori-Narok border conflict. On the other hand, 37.2% of the respondents did not know whether Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in the Migori-Narok border conflict.

4.5.8.2 An independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts

Table 4. 21: An independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	0.949
	Agree	77	20.6	20.6	24.1	
	No idea	185	49.5	49.5	73.5	
	Disagree	62	16.6	16.6	90.1	
	Strongly Disagree	37	9.9	9.9	100.0	

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	0.949
	Agree	77	20.6	20.6	24.1	
	No idea	185	49.5	49.5	73.5	
	Disagree	62	16.6	16.6	90.1	
	Strongly Disagree	37	9.9	9.9	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.23 shows a sentiment analysis of the view that an independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts. The data indicates that 42.8% agreed with the statement while similarly 3.5% of the respondents strongly agreed with the view. In contrast, 16.6% of the respondents disagreed that an independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts as 9.9% of the respondents strongly disagreed. On the other hand, 49.5% of the respondents had no idea as to whether an independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts. The standard deviation was 0.949. The high standard deviation implies that there is a high variation in responses as shown in Table 4.23.

4.5.8.3 ADR principles used on Conflict Resolution in Migori-Narok border conflicts are context-based (depending on the needs of parties)

Table 4. 22: ADR principles used on Conflict Resolution in Migori-Narok border conflicts are context-based (depending on the needs of parties)

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	0.580
	Agree	261	69.8	69.8	73.3	
	No idea	87	23.3	23.3	96.5	
	Disagree	13	3.5	3.5	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.24 shows a statement analysis of the view that ADR principles used on Conflict Resolution in Migori-Narok border conflicts are context-based (depending on the needs of

parties). The data indicates that 69.8% of the respondents agreed with the statement while similarly 3.5% strongly agreed with the view. In contrast, 3.5% of the respondents disagreed that ADR principles used on Conflict Resolution in Migori-Narok border conflicts are context-based. On the other hand, 23.3% of the respondents had no impression as to whether the ADR methods used on Conflict Resolution in Migori-Narok border conflicts are context-based. The standard deviation for the response is 0.580, which is low implying that the variation from the mean was low. Most of the participants were in agreement with the statement with only 26.8% of the participants not in agreement.

4.5.8.4 Inclusivity nature of ADR mechanism on Conflict resolution have promoted its use in Migori-Narok border conflicts

Table 4.23: Inclusivity nature of ADR mechanism on Conflict resolution have promoted its use in Migori-Narok border conflicts

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	221	59.1	59.1	59.1	0.843
	No idea	91	24.3	24.3	83.4	
	Disagree	49	13.1	13.1	96.5	
	Strongly Disagree	13	3.5	3.5	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

The above Table 4.25 shows an analysis of the view that the Inclusivity nature of the ADR mechanism on Conflict resolution has promoted its use in Migori-Narok border conflicts. The data indicates that 59.1% of the respondents agreed with the statement while 24.3% of the respondents did not know the notion. In contrast, 13.1% of the respondents disagreed that the Inclusivity nature of the ADR mechanism on Conflict resolution has promoted its use in Migori-Narok border conflicts where similarly, 3.5% strongly disagreed with the view.

4.5.8.5 Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving the Migori-Narok border

Table 4. 24: Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	13	3.5	3.5	3.5	0.679
	Agree	285	76.2	76.2	79.7	
	No idea	63	16.8	16.8	96.5	
	Strongly Disagree	13	3.5	3.5	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.26 shows a statement analysis of the view that Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving the Migori-Narok border. The data indicates that 76.2% of the respondents agreed with the statement while similarly 3.5% strongly agreed with the view. In contrast, 3.5% of the respondents disagreed that Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving the Migori-Narok border while 16.8% of the respondents had no impression as to whether the Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving Migori-Narok border.

4.5.8.6 Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border

Table 4. 25: Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	12	3.2	3.2	3.2	0.987
	Agree	162	43.3	43.3	46.5	
	No idea	111	29.7	29.7	76.2	
	Disagree	63	16.8	16.8	93.0	
	Strongly Disagree	26	7.0	7.0	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.27 shows a sentiment analysis of the view that Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border. The data indicates that 43.3% agreed with the statement while similarly 3.2% of the respondents strongly agreed with the view. In contrast, 16.6% of the respondents disagreed that Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border as 7.0% of the respondents strongly disagreed. On the other hand, 29.7% of the respondents had no idea as to whether Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border. The standard deviation for the responses to the statement is 0.987. The high standard deviation shows that there is high variation in responses as shown in Table 4.27.

4.5.8.7 Communities right of determination over a dispute is guaranteed in ADR on conflict resolution in Migori -Narok border

Table 4. 26: Communities right of determination over a dispute is guaranteed in ADR on conflict resolution in Migori -Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	38	10.2	10.2	10.2	1.163
	Agree	149	39.8	39.8	50.0	
	No idea	51	13.6	13.6	63.6	
	Disagree	110	29.4	29.4	93.0	
	Strongly Disagree	26	7.0	7.0	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.28 shows an opinion analysis of the view that the community's right of determination over a dispute is guaranteed in ADR on conflict resolution in the Migori -Narok border. The data indicates that 39.8% agreed with the statement while similarly 10.2% of the respondents strongly agreed with the view. In contrast, 29.4% of the respondents disagreed that Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border as 7.0% of the respondents strongly disagreed. On the other hand, 29.7% of the respondents had no idea as to whether Communities right of determination over a dispute is guaranteed in ADR on conflict resolution in Migori -Narok

border. The standard deviation for the response to the statement was very high at 1.163, an implication that there are high variations in the responses as shown in Table 4.28.

4.5.8 Participant’s awareness of the Methods used to resolve conflict along Migori-Narok border

4.5.8.1 Participants Awareness of ADR Methods

Table 4. 27: Participants Awareness of ADR Methods

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Dialogue	362	96.8%	12	3.2%	374	100.0%
Mediation	374	100.0%	0	.0%	374	100.0%
Reconciliation	362	96.8%	12	3.2%	374	100.0%
Joint rallies	374	100.0%	0	.0%	374	100.0%
Negotiation	362	96.8%	12	3.2%	374	100.0%

Source: Survey data, 2021

According to the study findings, in a case study of Conflict Resolution methods awareness, and of the total number of respondents, 96.8% were aware of dialogue approaches, 100% were aware of mediation, 96.8% were aware of reconciliatory methods, 100% were aware of joint rallying, and lastly, 96.8% were aware of negotiation and conciliatory methods. This implies that most of the participants were aware of the ADR methods used to resolve conflict along Migori-Narok. This confirms that dialogue, mediation, reconciliation, joint rallies, and negotiations are common ADR methods for resolving conflict between two or more parties.

4.5.8.2 Number of times dialogue has been used to resolve conflict along Migori-Narok

Table 4.28: Number of times dialogue has been used to resolve conflict along Migori-Narok

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Regularly	99	26.5	26.5	26.5
	Several Times	76	20.3	20.3	46.8
	Many Times	199	53.2	53.2	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

The above Table 4.30 is an analysis of the occurrence of dialogue as a conflict resolution method along the Migori-Narok border. The study shows that 53.2% of the respondents acknowledged dialogue to occur many times, while 26.5% observed dialogue occurring regularly. Lastly, 20.3% of the respondents witnessed dialogue occurring several times

4.5.8.3 Number of times mediation has been used to resolve conflict along the Migori-Narok border

Table 4. 29: How many times has mediation been used to resolve conflict along the Migori-Narok Border?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	12	3.2	3.2	3.2
	Rarely	138	36.9	36.9	40.1
	Regularly	48	12.8	12.8	52.9
	Several Times	64	17.1	17.1	70.1
	Many Times	62	16.6	16.6	86.6
	None	50	13.4	13.4	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

The above Table 4.31 is an analysis of the occurrence of mediation as a conflict resolution mechanism along the Migori-Narok border. The study shows that 36.9% of the respondents acknowledged mediation seldom occurs, while 17.1% observed mediation occurring several times. 16.6% of respondents have witnessed mediation occurring many times whereas 12.8% have observed it regularly. 3.2% of the respondents are not sure mediation has ever occurred while lastly, 13.4% of the respondents observed no mediation events occurring at all.

4.5.8.4 Number of times Arbitration has been used to resolve conflict along the Migori-Narok border.

Table 4. 30: Number of times Arbitration has been used to resolve conflict along the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	13	3.5	3.5	3.5
	Rarely	102	27.3	27.3	30.7
	Regularly	48	12.8	12.8	43.6
	Several Times	49	13.1	13.1	56.7
	Many Times	124	33.2	33.2	89.8
	None	38	10.2	10.2	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Table 4.32 above is an examination of the occurrence of arbitration as a conflict resolution apparatus along the Migori-Narok border. The study shows that 33.2% of the respondents acknowledged arbitration to occur many times, while conversely 27.3% observed arbitration to occur rarely. 13.1% of respondents have witnessed arbitration occurring several times whereas 12.8% have observed it regularly. 3.5% of the respondents are not sure arbitration has ever occurred while 10.2% of the respondents observed no arbitration events occurring at all.

4.5.8.5 Number of times Reconciliation has been used to resolve conflict along the Migori-Narok border

Table 4. 31: Number of times Reconciliation has been used to resolve conflict along the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	13	3.5	3.5	3.5
	Rarely	26	7.0	7.0	10.4
	Regularly	61	16.3	16.3	26.7
	Several Times	126	33.7	33.7	60.4
	Many Times	148	39.6	39.6	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Table 4.33 above is an investigation of the occurrence of Reconciliation as a conflict resolution apparatus along the Migori-Narok border. The study shows that 39.6% of the respondents acknowledged Reconciliation to occur many times, whereas 33.7% observed reconciliation to occur several times. 16.3% of respondents have witnessed Reconciliation to occur regularly whereas 7.0% have observed it rarely. Lastly, 3.5% of the respondents are not sure Reconciliation has ever occurred.

4.5.8.6 Number of times Joint rallies have been used to resolve conflict along the Migori-Narok border

Table 4. 32: Number of times Joint rallies has been used to resolve conflict along Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	51	13.6	13.6	13.6
	Rarely	164	43.9	43.9	57.5
	Regularly	13	3.5	3.5	61.0
	Many Times	37	9.9	9.9	70.9
	None	109	29.1	29.1	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Table 4.34 above is a study of the occurrence of Joint rallies as a conflict resolution method along the Migori-Narok border. The study shows that 43.9% of the respondents observed that Joint rallies occurred rarely, while 29.1% observed that Joint rallies never occurred. 13.6% of respondents witnessed Joint rallies to occur regularly whereas 7.0% have observed it rarely. 9.9% of the respondents witnessed Joint Rally events occurring many times. Lastly, 3.5% of the respondents witnessed Joint rallies events occurring regularly.

4.5.8.7 Number of times Negotiation has been used to resolve conflict along the Migori-Narok border

Table 4. 33: Number of times Negotiation has been used to resolve conflict along Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Rarely	52	13.9	13.9	13.9
	Regularly	61	16.3	16.3	30.2
	Several Times	89	23.8	23.8	54.0
	Many Times	160	42.8	42.8	96.8
	None	12	3.2	3.2	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Table 4.35 above is an examination of the occurrence of Negotiation as a conflict resolution method along the Migori-Narok border. The study shows that 42.8% of the respondents observed that Negotiation events occurred many times, while 23.8% observed that they occurred severally. 16.3% of respondents witnessed Negotiation to occur regularly whereas 13.9% have observed it rarely. Lastly, 3.2% of the respondents indicated that negotiation has never been used to resolve conflict along Migori-Narok Border.

4.5.8.8 Number of times the Court system has been used to resolve conflict along the Migori-Narok border

Table 4. 34: Number of times Court system has been used to resolve conflict along Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Sure	62	16.6	16.6	16.6
	Rarely	112	29.9	29.9	46.5
	Regularly	37	9.9	9.9	56.4
	Several Times	13	3.5	3.5	59.9
	Many Times	26	7.0	7.0	66.8
	None	124	33.2	33.2	100.0
	Total	374	100.0	100.0	

Source: Survey data, 2021

Table 4.36 above is an investigation of the occurrence of the Court system as a conflict resolution method along the Migori-Narok border. The study shows that 43.9% of the respondents observed that the court system occurred rarely, while 29.1% observed that the Court system never occurred. 13.6% of respondents witnessed the Court system to occur regularly whereas 7.0% have observed it rarely. 9.9% of the respondents lastly, 3.5% of the respondents witnessed Court system events occurring regularly.

4.5.9 Descriptive statistics on the extent to which ADR methods have been used on conflict resolution in Migori-Narok border Conflict.

4.5.9.1 Arbitration is used to resolve Migori-Narok border conflict

Table 4. 35: Arbitration is used to resolve Migori-Narok border conflict

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	64	17.1	17.1	17.1	0.944
	Agree	222	59.4	59.4	76.5	
	No idea	39	10.4	10.4	86.9	
	Disagree	37	9.9	9.9	96.8	
	Strongly Disagree	12	3.2	3.2	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.37 shows an opinion analysis of the view Arbitration is used to resolve the Migori-Narok border conflict. The data indicates that 59.4% agreed with the statement while similarly 17.1% of the respondents strongly agreed with the sentiment. In contrast, 9.9% of the respondents disagreed that Arbitration is used to resolve the Migori-Narok border conflict while 3.2% of the respondents strongly disagreed. On the other hand, 29.7% of the respondents had no idea as to whether Arbitration is used to resolve the Migori-Narok border conflict. This confirms that arbitration is a common method of resolving conflicts, which is in supports Muigua (2018) who noted that ADR mechanisms such as arbitration and mediation have gained momentum under the formal systems supported by the international business community. The standard deviation for the response was 0.944, which is high implying high variations in responses as shown in Table 4.37.

4.5.9.2 Negotiation is used by community members to resolve the Migori-Narok Conflict

Table 4. 36: Negotiation is used by community members to resolve Migori-Narok Conflict

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	89	23.8	23.8	23.8	0.404
	Agree	260	69.5	69.5	93.3	
	Disagree	25	6.7	6.7	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.38 shows a sentiment analysis of the statement Negotiation is used by community members to resolve the Migori-Narok Conflict. The data indicates that 69.5% agreed with the statement while similarly 23.8% of the respondents strongly agreed with the view. In contrast, 6.7% of the respondents disagreed that Negotiation is used by community members to resolve the Migori-Narok Conflict. The results confirm that negotiation is a common ADR method of resolving conflicts. The standard deviation for the responses was 0.404. This low standard deviation implies that there were low variations in responses since most participants agreed with the statement while only 6.7% disagreed.

4.5.9.3 Reconciliation is used to resolve Migori-Narok border conflict

Table 4. 37: Reconciliation is used to resolve Migori-Narok border conflict

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	89	23.8	23.8	23.8	0.482
	Agree	272	72.7	72.7	96.5	
	No idea	13	3.5	3.5	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.39 shows a statement analysis of the view Reconciliation is used to resolve the Migori-Narok border conflict. The data indicates that 72.7% agreed with the statement while similarly, 23.8% of the respondents agreed strongly with the sentiment. On the other hand, 3.5% of the respondents had no idea as to whether Reconciliation is used to resolve the Migori-Narok border conflict. The results show that reconciliation is a popular ADR method of resolving disputes

among the residents of the Migori-Narok border. The standard deviation confirms this since it was very low at 0.482 which implies that there was low variation in responses with the majority of the participants agreeing that Reconciliation is used to resolve the Migori-Narok border conflict.

4.5.9.4 Mediation is used at the Migori-Narok border to resolve conflict

Table 4. 38: Mediation is used at the Migori-Narok border to resolve conflict

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Strongly Agree	39	10.4	10.4	10.4	0.908
	Agree	212	56.7	56.7	67.1	
	No idea	99	26.5	26.5	93.6	
	Strongly Disagree	24	6.4	6.4	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.40 shows an opinion analysis of the view Mediation is used by Migori-Narok border to resolve conflict. The data indicates that 56.7% agreed with the statement while similarly 10.4% of the respondents strongly agreed with the sentiment. In contrast, 6.4% of the respondents strongly disagreed that Mediation is used by the Migori-Narok border to resolve conflict. On the other hand, 26.5% of the respondents had no idea as to whether Mediation is used by the Migori-Narok border to resolve conflict. The results also confirm that mediation is one of the main ADR methods used to resolve disputes along the Migori-Narok border. The standard deviation for the response was 0.908 which is high implying that the variation in participant's response was high as shown in Table 4.41. While some strongly agreed, others agreed, others indicated they had no idea, and others strongly disagreed. This explains the high variations.

4.5.9.5 Migori-Narok border residents call upon experts to resolve their conflicts

Table 4.39: Migori-Narok border residents call upon experts to resolve their conflicts

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	25	6.7	6.7	6.7	0.890
	No idea	212	56.7	56.7	63.4	
	Disagree	61	16.3	16.3	79.7	
	Strongly Disagree	76	20.3	20.3	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.41 shows a statement analysis of the view Migori-Narok border residents call upon experts to resolve their conflicts. The data indicate that 6.7% agreed with the statement. In contrast, 16.3% of the respondents disagreed that Migori-Narok border residents call upon experts to resolve their conflicts while 20.3% of the respondents strongly disagreed. On the other hand, 56.7% of the respondents had no idea as to whether Migori-Narok border residents call upon experts to resolve their conflicts. The results show an impression that residents are not aware of the experts engaged in resolving conflict through ADR methods. This contradicts Boege (2003) who noted that the process of ADR is spearheaded by the (male or female) leaders of communities, such as traditional kings, chiefs, priests, healers, elders, and others. The standard deviation for the response was a bit high at 0.890, an indication that there were high variations in responses as shown in Table 4.41.

4.5.9.6 Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border

Table 4. 40: Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	62	16.6	16.6	16.6	0.767
	No idea	226	60.4	60.4	77.0	
	Disagree	60	16.0	16.0	93.0	
	Strongly Disagree	26	7.0	7.0	100.0	
	Total	374	100.0	100.0		

Source: Survey data, 2021

Table 4.42 shows a statement analysis of the view Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border. The data indicates that 16.6% agreed with the statement. In contrast, 16.0% of the respondents disagreed that Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border while 7.0% of the respondents strongly disagreed. On the other hand, 60.4% of the respondents had no idea as to whether Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border. The results show that joint rallies and meetings are not commonly used in resolving disputes along the Migori-Narok border as indicated by the majority who had no idea and those who disagreed. The standard deviation was 0.767 which implies that the variation in responses was still high.

4.5.9.7 Court system approach is used to resolve Migori-Narok conflicts

Table 4. 41: Court system approach is used to resolve Migori-Narok conflicts

		Frequency	Percent	Valid Percent	Cumulative Percent	Standard Deviation
Valid	Agree	98	26.2	27.1	27.1	1.129
	No idea	123	32.9	34.0	61.0	
	Disagree	51	13.6	14.1	75.1	
	Strongly Disagree	90	24.1	24.9	100.0	
	Total	362	96.8	100.0		
Missing	System	12	3.2			
Total		374	100.0			

Source: Survey data, 2021

Table 4.43 shows a statement analysis of the view Court system approach is used to resolve Migori-Narok conflicts. The data indicates that 26.2% agreed with the statement. In contrast, 13.6% of the respondents disagreed that the court system approach is used to resolve Migori-Narok conflicts while 24.1% of the respondents strongly disagreed. On the other hand, 32.9% of the respondents had no idea as to whether the court system approach is used to resolve Migori-Narok conflicts. The standard deviation was very high at 1.129 for the response on the court system as an approach to resolve the Migori-Narok conflict. This implies that the participants had varying views hence, high variations in their responses.

4.6 Key Informant Interviews Findings

4.6.1 Participants Gender

Table 4. 42: Respondents by Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Female	1	12.5	12.5	12.5
	Male	7	87.5	87.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the study, the percentage of Key Informant Interview female participants in the study was 12.5% whereas male respondents were 87.5% (Table 4.44). It can be concluded the number of male participants was higher than the number of female participants.

4.6.1 The current state of peace in Migori-Narok border

Table 4. 43: The current state of peace in Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Good	5	62.5	62.5	62.5
	Fair	3	37.5	37.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

The data presented in Table 4.45 shows that 62.5% of respondents rated the current state of peace in the Migori-Narok border as Good while 37.5% rated the state of peace as Fair. This implies that the Migori-Narok Border is not in conflict and the residents are coexisting in peace and harmony.

4.6.2 Respondent's participation in conflict resolution between the Maasai and Kuria communities

Table 4. 44: Respondent's participation in conflict resolution between the Maasai and Kuria communities

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	5	62.5	62.5	62.5
	No	3	37.5	37.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

In connection with the respondent’s participation in conflict resolution between the Maasai and Kuria communities, 62.5% had participated in the conflict resolution while 37.5% had not participated in conflict resolution between the Maasai and Kuria communities. Additionally, dialogue, negotiation, arbitration, District Peace Committee (DPC) & Council of Elders were described as the common methods used to resolve the conflicts. The results show that the majority of the key informants were well informed to contribute to the study since they were involved in conflict resolution.

4.6.3 The effectiveness of the methods in resolving conflicts in the Migori-Narok border

Table 4. 45: The effectiveness of the methods in resolving conflicts in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	7	87.5	100.0	100.0
	NO	1	12.5		
Total		8	100.0		

Source: Survey data, 2021

Regarding the effectiveness of the methods applied, the study found that 87.5% of the respondents agreed that the methods have been effective in resolving conflicts in the Migori-Narok border. This implies that the ADR methods used in resolving conflicts along the Migori-Narok border are effective.

4.6.4 Respondent’s opinion on the ADR processes adopted by leaders in their community

The study sought to establish the way participants would describe the ADR processes adopted by leaders in their respective communities. The results are presented in Table 4.48.

Table 4. 46: Respondent’s opinion on the ADR processes adopted by leaders in their community

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Coercion	1	12.5%	7	87.5%	8	100.0%
Persuasion	2	25.0%	6	75.0%	8	100.0%
Negotiation	6	75.0%	2	25.0%	8	100.0%
Force	1	12.5%	7	87.5%	8	100.0%

Source: Survey data, 2021

A case study of the opinion on the statement that best characterized the ADR processes adopted by leaders in the participant’s community revealed that 75% of the respondents viewed negotiation as the statement that depicted the ADR processes while 25% viewed persuasion as the best portraying statement. 12.5% in both categories viewed coercion and force as the best representation of the ADR processes adopted by leaders in their communities. The results show that the leaders engage the residents through persuasion and negotiation whenever there is a need for conflict resolution through the ADR methods.

4.6.5 Descriptive statistics on the effects of ADR Guiding principles

4.6.5.1 Inclusive nature of ADR on conflict resolution has led to peace

Table 4. 47: Inclusive nature of ADR on conflict resolution has led to peace

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	2	25.0	25.0	25.0
	Agree	5	62.5	62.5	87.5
	No Idea	1	12.5	12.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the study, the data in Table 4.49 shows that 62.5% of the respondents agree with the view that the Inclusive nature of ADR on conflict resolution has led to peace while similarly, 25.0% of the respondents strongly agreed with the statement. However, 12.5% of the respondent had no idea as to whether the Inclusive nature of ADR led to peace. The results suggest that the inclusive nature of ADR leads to peace since the parties at war own the process hence comply with the outcomes. This supports Charkoudian (2010) who noted that the ADR methods lead to better compliance with the outcomes.

4.6.5.2 Decisions that have been reached on conflict resolution in the Migori-Narok border are binding

Table 4. 48: Decisions that have been reached on conflict resolution in the Migori-Narok border are binding

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	5	62.5	62.5	62.5
	No Idea	1	12.5	12.5	75.0
	Disagree	2	25.0	25.0	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

As shown in Table 4.50, with regard to the respondent's opinion on the statement decisions that have been reached on conflict resolution in the Migori-Narok border are binding, 62.5% agree with the view while 25% disagree with the statement. However, 12.5% of the respondent had no idea as to whether the decisions that have been reached on conflict resolution in the Migori-Narok border are binding.

4.6.5.3 Both the Maasai and Kuria communities have participated in decision making with regard to conflict

Table 4. 49: Both the Maasai and Kuria communities have participated in decision making with regard to conflict

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	2	25.0	25.0	25.0
	Agree	6	75.0	75.0	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the study, the data in Table 4.51 shows that 75.0% of the respondents agree with the view that Both the Maasai and Kuria communities have participated in decision making with regard to conflict while similarly, 25.0% of the respondents strongly agreed with the statement. The results show that the Maasai and Kuria communities who live along the Migori-Narok border are engaged in decision-making with regard to conflict resolution.

4.6.5.4 Most of the decisions that have been made out of ADR mechanisms are satisfying to both communities

Table 4. 50: Most of the decisions that have been made out of ADR mechanisms are satisfying to both communities

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	5	62.5	62.5	62.5
	No Idea	2	25.0	25.0	87.5
	Disagree	1	12.5	12.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

As shown in Table 4.52, with regard to the respondent's opinion on the statement, most of the decisions that have been made out of ADR mechanisms are satisfying to both communities, 62.5% agree with the view while 12.5% disagree with the statement. However, 25.0% of the respondents had no idea as to whether Most of the decisions that have been made out of ADR mechanisms are satisfying to both communities.

4.6.5.5 Mutual problem sharing has been the goal of resolving conflict in the Migori-Narok border

Table 4. 51: Mutual problem sharing has been the goal of resolving conflict in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	1	12.5	12.5	12.5
	Agree	7	87.5	87.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

The findings of the study, the data in Table 4.53 revealed that 87.5% of the respondents agree with the view that mutual problem sharing has been the goal of resolving conflict in the Migori-Narok border while similarly, 12.5% of the respondents strongly agreed with the statement.

4.6.5.6 Consensus has been achieved by both communities seeking to broker peace

Table 4. 52: Consensus has been achieved by both communities seeking to broker peace

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	1	12.5	12.5	12.5
	Agree	5	62.5	62.5	75.0
	No Idea	2	25.0	25.0	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the study, the data in Table 4.54 shows that 62.5% of the respondents agree with the view that Consensus has been achieved by both communities seeking to broker peace while similarly, 12.5% of the respondents strongly agreed with the statement. However, 25.5% of the respondents had no idea as to whether Consensus has been achieved by both communities seeking to broker peace.

4.6.5.7 The way participants rate the ADR methods that have been used on conflict resolution in the Migori-Narok border

Table 4. 53: The way participants rate the ADR methods that have been used on conflict resolution in the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Acceptable	3	37.5	37.5	37.5
	Acceptable	5	62.5	62.5	100.0
	Total	8	100.0	100.0	

Source: Survey data, 2021

Based on the findings of the research, 37.5% of the respondents rated the ADR methods that have been used on conflict resolution in the Migori-Narok border to be highly acceptable while 62.5% rated the ADR methods to be acceptable

4.6.5.8 Participants awareness of any counties/regions or communities both locally and internationally where ADR has been successfully applied to resolve conflict

Table 4. 54: Participants awareness of any counties/regions or communities both locally and internationally where ADR has been successfully applied to resolve conflict

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	100.0	100.0	100.0

Source: Survey data, 2021

Regarding the participant's awareness of any counties/regions or communities, both locally and internationally where ADR has been successfully applied to resolve conflict, 100% of the respondents were aware of regions where ADR was applied successfully. In addition, the respondents described the common methods used as negotiation, mediation Arbitration, Dialogue, ADP and Peace Building, Peace talks and peace committee, Consensus Building. Furthermore, the respondents additionally elaborated on the application describing regions such as the Marakwet and Pokot, the Kenyan-Tanzanian border, or the Ethnic clashes between the Luo and Kuria Communities.

4.6.5.9. The applicability of the practices mentioned above along the Migori-Narok border

Table 4. 55: The applicability of the practices mentioned above along the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	100.0	100.0	100.0

Source: Survey data, 2021

Based on the findings of the study, 100% of the respondents agree that the practices mentioned in the previous query are applicable along the Migori-Narok border. Additionally, the respondents further elaborated that peace committees should arbitrate in conflicts and NGOs should initiate dialogue, Community participation and freedom of expression should be allowed, Peace meetings and summits should be organized where border community members attend. Elders should meet, discuss & reconcile. The respondents went on further to emphasize that discussions bring solutions, peaceful engagements should be the norm, and an issue raised can be solved amicably.

4.6.5.10. The participant’s opinion whether methods used on Conflict Resolution in the Migori-Narok border have achieved much in preventing escalation

Table 4. 56: The participant’s opinion whether methods used on Conflict Resolution in the Migori-Narok border have achieved much in preventing escalation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	100.0	100.0	100.0

Source: Survey data, 2021

Regarding the participant’s opinion on whether the methods used on Conflict Resolution in the Migori-Narok border have achieved much in preventing escalation. The study findings reveal that 100% of the respondents agree that the methods have achieved much. Moreover, the respondents further described events as they are now mentioning Kurian's farm peacefully in Narok, no cattle rustling activities, freedom of movement, improvement in trading activities, peace, and coexistence among the Migori-Narok border with forgiveness among members and no more grazing field conflicts.

4.6.5.11 Participants’ institutions playing part in conflict resolution in Migori-Narok border

Table 4. 57: Participants’ institution’s playing part in conflict resolution in Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	7	87.5	87.5	87.5
	No	1	12.5	12.5	100.0
Total		8	100.0	100.0	

Source: Survey data, 2021

Regarding the participant’s institution playing a role in conflict resolution in Migori-Narok border, 87.5% of the respondents agreed that their institution played a role, whereas 12.5% asserted their institution played no role in peace initiatives. Additionally, the respondents primarily described their institution roles as Promoting and organizing Regular community barazas and peace summits, establishing peace committees to oversee security, implementing law and order mechanisms, Promote Human Rights in gatherings, Peace mediation between

parties, Border Dispute Resolution, and dealing with Cattle Rustling activities and organizing cultural festivals where community members participate.

4.6.5.12. The success of participant’s institution in resolving inter-community conflicts along the Migori-Narok border

Table 4.58: The success of participant’s institution in resolving inter-community conflicts along the Migori-Narok border

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	100.0	100.0	100.0

Source: Survey data, 2021

Regarding the participant’s institution playing a role in successfully resolving inters community conflicts along the Migori-Narok border, 100% of the respondents agreed that their institution successfully played roles in resolving inter-community conflicts along the border. Moreover, the respondents described the following observations in the region, improved communication between administrative offices, dialogue between communities as initiated by peace committees with the help of NGO, Community unison. Reduced border crime, Improved Security with enforcement sites on the ground, community members such as Students are vigilant, return lost property and report crimes, Parents advocate peace, increased freedom of movement, trade and community relations, Intermarriages and Interschool competitions now possible

4.7 Inferential statistics

The researcher used inferential statistics which entails using statistics from the sample data and using it to infer about a population parameter. The inferential statistics used are correlation and regression analysis.

4.7.1 Correlation analysis

The variables, ADR methods, ADR principles; acceptability of ADR mechanism; and conflict resolution were computed into single variables per factor. Then, Pearson’s correlations analysis was conducted at 95% confidence interval and 5% confidence level 2-tailed. Table 4.62 shows the correlation matrix between the factors (DR methods, ADR principles; acceptability of ADR mechanism; and conflict resolution.

Table 4. 59: Correlation matrix

		Conflict Resolution	ADR Methods	ADR Principles	Acceptance of ADR Mechanisms
Conflict Resolution	Pearson Correlation	1	.608**	.144**	.337**
	Sig. (2-tailed)		.000	.005	.000
	N	374	374	374	362
ADR Methods	Pearson Correlation	.608**	1	.537**	.661**
	Sig. (2-tailed)	.000		.000	.000
	N	374	374	374	362
ADR Principles	Pearson Correlation	.144**	.537**	1	.953**
	Sig. (2-tailed)	.005	.000		.000
	N	374	374	374	362
Acceptance of ADR Mechanism	Pearson Correlation	.337**	.661**	.953**	1
	Sig. (2-tailed)	.000	.000	.000	
	N	374	374	374	374

** . Correlation is significant at the 0.01 level (2-tailed).

Source: Survey data, 2021

The results presented in Table 4.61 shows that Pearson's correlation between ADR Methods and conflict resolution (r) is 0.608 which indicates that the strength of the correlation is strong. The P-value is 0.000 which is less than 0.01 significant levels. The results show that there is a positive and significant correlation between ADR methods and conflict resolution at $r = 0.608$ and $P = 0.000$. This means that a unit increase in ADR methods would lead to a significant improvement in conflict resolution. The findings are in line with Miall (2004) who found that ADR methods are effective tools for conflict resolution as they promote peace and diminish violence as long as the conflicting parties negotiate in good faith.

The results also show that the Pearson correlation (r) between ADR principles and conflict resolution is 0.144. This means that the stretch of the correlation is weak. The P-value is 0.005 which is less than 0.01 significant levels. This implies that there is a positive and statistically significant correlation between ADR principles and conflict resolution at $r = 0.044$ and $P = 0.005$. Therefore, a unit increase in ADR principles would lead to an increase in conflict resolution. The findings are in support of Makgoro (2005), who found that there exist some ADR principles that are significant in managing conflicts. Consequently, the role of alternative dispute resolution has gained momentum not only in some parts of the continent but also across the international community. The findings are also in support of Wani, (2011), who noted that there

has been a significant increase in the role of alternative dispute resolution in the management of a range of conflicts due to their effectiveness.

Finally, the correlation analysis results show that the Pearson correlation (r) between acceptability of ADR mechanism and conflict resolution is 0.337 and the P-value is 0.000. The r -value shows that the strength of the correlation is strong. On the other hand, the p -value is less than the 0.1 significant levels implying that the correlation is statistically significant. This implies that there is a positive and statistically significant correlation between the acceptability of the ADR mechanism and conflict resolution at $r = 0.337$ and $p = 0.000$. These findings are in line with Kariuki (2010) who found that the role of alternative dispute resolution mechanisms is increasingly gaining momentum and countries across the world have fully established institutions to support this noble course; hence, effectively helping to resolve conflicts. The findings also support Muigua, (2018), who notes that ADR Mechanisms such as arbitration and mediation have gained momentum under the formal systems supported by the international business community as an effective way of conflict resolution.

4.7.2 Regression Analysis

The researcher further conducted a multi regression analysis to test the predictive power among the variables of the study. The results of the regression analysis are presented below.

4.7.2.1 Model Summary

Table 4. 60: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.687 ^a	.472	.468	1.60285

a. Predictors: (Constant), acceptability of ADR mechanisms, ADR Methods, ADR principles

Source: Survey data, 2021

As shown in Table 4.62, the independent variables of the study, that is, acceptability of ADR mechanisms, ADR Methods, ADR principles contribute to 47.2% of conflict resolution along the Migori-Narok Border. As indicated by R Squared. This means that apart from the acceptability of ADR mechanisms, ADR Methods, and ADR principles, other factors determine conflict resolution along the Migori-Narok Border.

4.7.2.2 Analysis of Variance (ANOVA)

Table 4. 61: analysis of variance

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	822.604	3	274.201	106.729	.000 ^b
Residual	919.752	358	2.569		
Total	1742.356	361			

a. Dependent Variable: Conflict Resolution

b. Predictors: (Constant), acceptability of ADR mechanisms, ADR Methods, ADR principles

Source: Survey data, 2021

As shown in Table 4.63, the significant value for the model used for the study is 0.000. This implies that the model is statistically significant in predicting how the acceptability of ADR mechanisms, ADR Methods, and ADR principles influences conflict resolution at a long Migori-Narok border. The f-calculated as shown in the table is 106.729. On the other hand, the F critical at 0.01 significance level is 2.58. This means that the F-calculated is greater than the F- critical at 0.01 level of confidence. This implies that the model of the study is significant.

Table 4. 62: Coefficient of determination

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	5.366	.376		14.266	.000
ADR Methods	.347	.030	.607	11.539	.000
1 ADR Principles	-.429	.057	-.973	-7.500	.000
Acceptability of ADR Mechanisms	.397	.065	.863	6.106	.000

a. Dependent Variable: Conflict Resolution

Source: Survey data, 2021

The results presented in Table 4.64 show the coefficient of the multi-regression equation. As such, the equation $Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \varepsilon$ becomes

$$Y = 5.366 + 0.347 X_1 - 0.429 X_2 + 0.397 X_3 + \varepsilon$$

Where, X_1 = ADR Methods; X_2 = ADR Principles; and X_3 = Acceptability of ADR Mechanisms; and Y = conflict resolution.

Therefore,

$$\text{Conflict Resolution} = 5.366 + 0.347 \text{ ADR Methods} - 0.429 \text{ ADR Principles} + 0.397 \text{ Acceptability of ADR Mechanisms} + \varepsilon$$

As depicted in the regression equation, when all independent variables are held constant at zero, conflict resolution along Migori-Narok Border would be 5.366. The regression equation also implies that when other independent variables are held constant, a unit increase in the use of ADR methods would lead to a 0.347 increase in conflict resolution along Migori-Narok Border; a unit increase in ADR principles would lead to a 0.429 decrease in conflict resolution, and a unit increase in acceptability of ADR Mechanisms would lead to 0.397 increase in conflict resolution. Therefore, this implies that the Acceptability of ADR Mechanisms contributes more to conflict resolution followed by ADR methods. However, ADR principles alone do not enhance conflict resolution; hence, it is negative when other factors are held constant. Instead, it needs to be applied with other factors such as ADR methods and the acceptability of ADR mechanisms by the communities involved.

CHAPTER FIVE

SUMMARY OF FINDINGS CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter summarizes the key findings, draws conclusions from the findings, and proposes recommendations based on the findings and conclusion. This is done based on the objectives of the study which were to assess the effects of ADR methods used on Conflict resolution in Migori Narok Border; to investigate the effects of ADR principles on conflict resolution in the Migori-Narok border, and to examine the effects of acceptability of ADR mechanisms on Conflict Resolution in the Migori Narok border.

5.2 Summary of Findings

5.2.1 ADR methods and conflict resolution

The first objective of the study was to assess the effects of ADR methods used on Conflict resolution in the Migori Narok Border. The results of descriptive statistics show that the communities living along the Migori-Narok border are aware of and understand the ADR methods that are used to resolve conflicts. Besides, the results indicate that the ADR methods used have been effective in conflict resolution. Consequently, the ADR methods have brought about cohesion and unity among the communities living along the border; trustworthiness such that the members of the communities can move freely from one region to the other.

The findings of correlation analysis indicated that the Pearson's correlation (r) between ADR methods and conflict resolution is 0.608 and the P-value is 0.000. This implies that there is a positive and significant correlation between ADR methods and conflict resolution. The degree of correlation was found to be strong. Further, the regression analysis results show that the correlation between ADR methods and conflict resolution is a strong determinant of conflict resolution as shown in the coefficient of determination.

5.2.2 ADR principles and conflict resolution

The second objective of the study was to investigate the effects of ADR principles on conflict resolution in the Migori-Narok border. The results of the descriptive statistics show that the ADR principles have been effective in dispute resolution along Migori-Narok Border. This is partly attributed to the fact the parties involved enjoy autonomy and flexibility is applied in conflict

resolution. The results further show that the inclusivity nature of ADR principles and mechanisms has caused its wide application in conflict resolution along Migori-Narok Border.

The results of the correlation analysis show that the Pearson correlation (r) between ADR principles and conflict resolution is 0.144 and the p -value is 0.005. This implies that there is a positive and statistically significant correlation between ADR principles and conflict resolution. The degree of correlation for the two variables is weak as indicated by the R -value of 1.44. As a result of the weak correlation, the regression analysis results show that ADR principles have a negative predictive power when it comes to predicting conflict resolution since its predictive power is -0.429.

5.2.3 Acceptability of ADR mechanisms and Conflict Resolution

The third objective of the study was to examine the effects of acceptability of ADR mechanisms on conflict resolution in the Migori Narok border. The results of the descriptive statistics show that acceptance of the ADR mechanism is important in conflict resolution. The acceptability of the ADR mechanism by communities living along the Migori-Narok border is attributed partly to its inclusiveness; community satisfaction with the outcomes; the mutual consent of both communities in conflict resolution and its flexible nature.

The results of the correlation analysis show that the Pearson correlation (r) between acceptability of ADR mechanism and conflict resolution is 0.337 and the P -value is 0.000. This implies that there is a positive and statistically significant correlation between the acceptability of the ADR mechanism and conflict resolution. The strength of the correlation is strong. The result of regression analysis further shows that the acceptability of the ADR Mechanism is a strong determinant of the success of conflict resolution.

5.3 Conclusions

The first objective of the study was to assess the effects of ADR methods used on Conflict resolution in the Migori Narok Border. The findings revealed that there is a positive and significant correlation between ADR methods and conflict resolution and the correlation is strong. Therefore, it is concluded the ADR methods positively affect conflict resolution. They are important tools for solving disputes among war-torn communities.

The second objective of the study was to investigate the effects of ADR principles on conflict resolution in the Migori-Narok border. The results of the study established that there is a positive and statistically significant correlation between ADR principles and conflict resolution, but the strength of the correlation was found to be weak. Therefore, it is concluded that while ADR principles are important in conflict resolution, but they cannot be applied alone. This is because despite having a positive correlation with conflict resolution, the predictive power for ADR principles was negative.

The third objective of the study was to examine the effects of acceptability of ADR mechanisms on conflict resolution in the Migori Narok border. The results of the study established that there is a positive and statistically significant correlation between the acceptability of the ADR mechanism and conflict resolution. It is thus, concluded that the acceptability of ADR mechanisms positively affects conflict resolution. The success of the ADR process highly depends on the acceptability of the ADR mechanisms by the parties involved in the conflict.

5.4 Recommendations

The study concluded that ADR methods positively affect conflict resolution and are important tools for solving disputes among war-torn communities. Therefore, it is recommended that the county governments and the national governments should make more efforts to create awareness through campaigns about the importance of the communities understanding ADR methods and how they can be used effectively to avoid conflicts without necessarily taking the legal system approach which is costly and time-consuming.

The study further concluded that ADR principles are important in conflict resolution, but they cannot be applied alone due to their negative predictive power in conflict resolution. Since ADR principles are an integral part of successful conflict resolution, the county governments and national government should also ensure that the principles used in the ADR process are well documented and understood by the parties to a conflict. This will help to ensure that both parties are satisfied with the outcome since the principles applied are well spelled out and agreed upon before conflict is resolved.

Finally, the study concluded that the acceptability of ADR mechanisms positively affects conflict resolution and that the success of the ADR process highly depends on the acceptability of the

ADR mechanisms by the parties involved in the conflict. It is thus, recommended that more civic education be carried out by the relevant authorities to ensure that the residents understand and acknowledge ADR mechanisms as an important process for solving their disputes.

5.4.1 Recommendation for further studies

The results of the multi-regression analysis revealed that the independent variables; acceptability of ADR mechanisms, ADR Methods, ADR principles contribute to 47.2% of conflict resolution along the Migori-Narok Border. This implies that other factors contribute to the rest 52.8% of conflict resolution that can be used to enhance conflict resolution. Therefore, it is recommended that further studies be done to establish the other factors that can be used to enhance conflict resolution along the Migori-Narok border. Besides, this study was done among the communities that live along Migori-Narok borders, yet there are other regions where communities engage in wars. Therefore, it is recommended that further studies be done in other volatile borders to examine the effectiveness of ADR methods, ADR principles, and the acceptability of ADR mechanisms in conflict resolution.

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APPENDICES

Appendix 1: Letter of Request

My name is Macheru Martin Caleb. I'm a masters' student in the Department of Public Policy and Administration (MPPA), Kenyatta University. I am researching "**Effects of Alternative Dispute Resolution mechanisms on conflict Resolution in Migori-Narok Border, Kenya**". I wish to request you to kindly fill the attached questionnaires and answer the questions accurately to enable me to fulfill this exercise and come up with conclusions. Be assured that your input will be kept confidential and will be used only for research purposes.

Yours Faithfully,

Caleb Macheru

Appendix 2: Questionnaires for the Community Members

Instructions

Please read the questionnaires carefully and answer each question as instructed. Do not write your names on the paper. Fill in all the information required as carefully and accurately as you can in regard to the role of the Alternative Dispute Resolution method in solving conflict along the Narok-Migori border.

PART A: PERSONAL INFORMATION

- i. Gender
 - a. Female []
 - b. Male []
- ii. Education level
 - a. High School []
 - b. Higher institutions []
 - c. Advanced University []
 - d. Any other training []

What ethnic group/sub-ethnic group/clan do you come from?

- a) Kuria []
- b) Maasai []
- c) Others (please specify).....

Kindly, indicate for how long you have lived here

- a) 0-5 years [] b) 5-10 years [] c) 10 years and above []

PART B: EFFECTS OF ADR METHODS ON CONFLICT RESOLUTION IN MIGORI-NAROK BORDER

Are there methods for resolving conflicts in the Migori-Narok border?

- Yes []
- No []

What is your understanding of ADR (Alternative dispute resolution?)

- a) Presence of peace between parties or communities []
- b) Out of court resettlement of disputes []

- c) Allocation of Resources []
- d) Resolution of conflicts through court process []
- e) Others (please specify).....

What disputes are resolved in your community using any of the ADR mechanisms?

- a) Land dispute []
- b) Cattle rustling []
- c) Clan conflicts []
- d) Inter-Ethnic conflicts []
- e) Water and pasture disputes []
- f) Domestic violence []
- g) Political conflicts []
- h) Others (specify)

How has the use of ADR methods performed in your community?

- a) More cohesive and united society []
- b) Trust between community members []
- c) Freedom of movement from one community to another []
- d) Equitable distribution of resources among the residents []
- e) High level of school enrolment []
- f) Community disintegration []
- g) Others (specify).....

Would you say the methods have been effective in resolving conflicts in the Migori-Narok border?

Yes []

No []

Have you ever been involved in conflict resolution in the Migori-Narok border using ADR methods?

Yes []

No []

If yes, who initiated the process of ADR on the Migori-Narok border?

- a) National Government
- b) County Government

- c) Religious Leaders
- d) Local leaders
- e) NGOs
- f) Others (specify)

Please, indicate the extent to which you agree with the following statement on the effects of the ADR mechanism on Conflict resolution in the Migori-Narok border. Use a five Likert point scale where;

1. Strongly agree, 2. Agree 3. Disagree 4. Strongly disagree 5. Not sure

	Effects of ADR methods on Conflict Resolution in Migori-Narok	1	2	3	4	5
A	ADR methods have improved community relationships in Migori-Narok					
B	ADR methods have enhanced community attitude on Conflict resolution					
C	ADR methods have brought a greater sense of community empowerment and voice on conflict resolution in the Migori-Narok border					
D	ADR methods on Conflict Resolution have improved party satisfaction					
E	The use of ADR methods have decreased reliance on Police					
F	ADR methods on Conflict Resolution have led to community compliance					

PART B. EFFECTS OF ADR GUIDING PRINCIPLES

Please select the statement which explains the effects of the guiding principles on conflict resolution in the Migori-Narok border Conflict. Tick in the appropriate box

Key: Strongly Agree (SA)-1, Agree (A)-2, No Idea (NI)-3, Disagree (D)-4, Strongly Disagree (SD)-5.

Statement	SA	A	N/I	D	SD
Party autonomy and processual flexibility of ADR have legitimized resolution of conflict in Migori-Narok border conflict					
An independent system of Conflict Resolution has been used to resolve Migori-Narok border conflicts					
ADR methods used on Conflict Resolution in Migori-Narok border conflicts are context-based (depend on the needs of parties)					
The inclusivity nature of the ADR mechanism on Conflict resolution has promoted its use in Migori-Narok border conflicts					
Mutual-consent and binding agreements are behind the adoption of ADR methods in Resolving the Migori-Narok border					
Community satisfaction has been achieved through the application of ADR mechanisms on Conflict resolutions in the Migori-Narok border					
Communities right of determination over a dispute is guaranteed in ADR on conflict resolution in Migori - Narok border					

PART C: LEVEL OF ACCEPTABILITY OF ADR MECHANISMS

What methods are you aware of and how many times have the methods been used to resolve conflict along Migori-Narok border?

- | Method | Number of times used |
|---|---|
| <input type="checkbox"/> Dialogue | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Mediation | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Arbitration | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Reconciliation | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Joint rallies | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Negotiation | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Court system | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> others specify..... |
| <input type="checkbox"/> Any other (please specify) | |

Please select the statement which explains the extent to which ADR methods have been used on conflict resolution in Migori-Narok border Conflict. Tick in the appropriate box

Key: Strongly Agree (SA)-1, Agree (A)-2, No Idea (NI)-3, Disagree (D)-4, Strongly Disagree (SD)-5.

STATEMENT	1	2	3	4	5
Arbitration is used to resolve Migori-Narok border conflict					
Negotiation is used by community members to resolve the Migori-Narok Conflict					
Reconciliation is used to resolve Migori-Narok border conflict					
Mediation is used by the Migori-Narok border to resolve conflict					
Migori-Narok border residents call upon experts to resolve their conflicts					
Joint rallies and meetings are approaches used to resolve conflict in the Migori-Narok border					
The court system approach is used to resolve Migori-Narok conflicts					

PART D. CONFLICT RESOLUTION

Kindly tick appropriated based on your level of agreement with the following statements.

Key: Strongly Agree (SA)-1, Agree (A)-2, No Idea (NI)-3, Disagree (D)-4, Strongly Disagree (SD)-5.

STATEMENT	1	2	3	4	5
Alternative dispute resolutions methods have led to Improved relationships in Migori -Narok border					
Alternative dispute resolutions methods have led to Cooperation among communities living within Migori -Narok border					
Alternative dispute resolutions mechanisms have led to Cross border peace in Migori -Narok border					
Alternative dispute resolutions mechanisms to facilitate safe and free movement of people in Migori -Narok border					
Alternative dispute resolutions mechanisms have enhanced Trustworthiness between communities in Migori -Narok border					
Trustworthiness between communities has enhanced peaceful coexistence in Migori -Narok border					

Appendix 3: Interview schedule for Key Informants

Please fill in this questionnaire.

This questionnaire is part of a study conducted by the Researcher for a Master's project at Kenyatta University, Department of Public Policy and Administration. The results will be used only for academic purposes.

PART A: BACKGROUND INFORMATION

i. Gender

a. Female

b. Male

County.....

Sub-County.....

Location.....

Village.....

Occupation: (a) Administrator (b) Chief (c) sub-chief (d) Ward admin

(e) Others (specify).....

What is the current state of peace in the Migori-Narok border?

a) Very good

b) Good

c) Fair

d) Bad

e) Any other (please specify).....

Have you participated in conflict resolution between the Maasai and Kuria Communities?

Yes

No

If yes, what methods did you use to resolve the conflict?

.....

Did the method (s) used de-escalate conflict between the two communities?

.....

.....

Would you say the methods have been effective in resolving conflicts in the Migori-Narok border?

Yes []

No []

Which of the following statements depict the ADR processes adopted by leaders in your community?

- a) Coercion []
- b) Persuasion []
- c) Negation []
- d) Deception []
- e) Force []

Part B: Effects of ADR Guiding principles

Please choose the statement which describes the situation you agree with.

Key: Strongly Agree (SA)-1, Agree (A)-2, No Idea (NI)-3, Disagree (D)-4, Strongly Disagree (SD)-5.

	S A	A	N I	D	S D
The inclusive nature of ADR on conflict resolution has led to peace					
Confidentiality has been achieved in the Migori-Narok border conflict due to the use of ADR					
Decisions that have been reached on conflict resolution in the Migori-Narok border are binding					
Both the Maasai and Kuria communities have participated in decision making with regard to conflict					
Most of the decisions that have been made out of ADR mechanisms are satisfying to both communities					
Mutual problem sharing has been the goal of resolving conflict in the Migori-Narok border					
Consensus has been achieved by both communities seeking to broker peace					
Others (please specify)					

If No, what do you think should be done to create peace in the region.....

.....
.....
.....

PART C: LEVEL OF ACCEPTABILITY

How would you rate the ADR methods that have been used on conflict resolution in the Migori-Narok border?

- a) Highly acceptable []
- b) Rarely acceptable []
- c) Acceptable []
- d) Unacceptable []

Are you aware of any counties/regions or communities both locally and internationally where ADR has been successfully applied to resolve conflict?

Yes []

No []

If yes, what are the methods used?

.....
.....
.....

Can the practices mentioned above be applicable along Migori-Narok border?

Yes []

No []

Please elaborate.....

.....
.....

Would you say the methods used on Conflict Resolution in the Migori-Narok border have achieved much in preventing escalation?

Yes []

No []

Please elaborate?

.....
.....
.....

Does your institution play in conflict resolution in the Migori-Narok border?

Yes []

No []

If yes, what role does your institution play in resolving conflict in the Migori-Narok border?

.....
.....
.....

Has your institution been successful in resolving inter-community conflicts along Migori-Narok border?

Yes []

No []

Please elaborate?

.....
.....
.....

Appendix 4: Map of Study of Area

