

A JOURNEY INTO THE INDIGENOUS CONFLICT MANAGEMENT MECHANISMS AMONG THE ABAKURIA COMMUNITY, KENYA: “THE BEAUTY AND THE BEAST”

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Abstract

Conflict in many parts of the world has become part of people's life resulting massive deaths and trail of destruction to property leading to manmade disasters. In Kenya, conflict is experienced as warring groups engage in armed and non-armed conflicts. In most instances, the conflict is so intense that property are destroyed, people killed while others are displaced. However, of the conflict experienced in Kenya, a peculiar case is that of the Abakuria ethnic group, as inter-clan conflicts have become perpetual. The mechanisms used in managing the conflict have been wanting or inadequate as the conflicts keep recurring. It is on this backdrop that this study aimed at evaluating the Abakuria indigenous mechanisms used in managing intra-ethnic conflict. The study employed descriptive survey, ethnography and explanatory research designs. The target population for the study was 52,338 comprising of members of the indigenous conflict management systems, members of provincial administration, local and international Non-governmental Organizations, Community Based Organizations, Faith Based Organizations, community policing members, members of the peace committees, civic leaders, District security team, warriors and community members/victims to the conflict. From the target population, a sample 638 was drawn using purposive sampling, stratified sampling, transect walk and snow balling techniques. The data were collected using questionnaires, in-depth interviews and focus group

discussion. Quantitative data generated from the study were analysed descriptively while qualitative data were analysed following the five steps of thematic data analysis; transcription, open coding, axial coding, selecting codes and formation of themes. The study found out that there were five key institutions of managing conflict between the Abakuria clans, which were *Inchama*, *Avaragoli*, *Iritongo*, *Sungusungu* and *Ihama*. These institutions played a role both in managing conflict thus the beauty and instigating conflict thus the beast in the institutions. The study recommends that the institutions should be strengthened by the government in order to be more effective.

Keywords: Intra-Ethnic Conflict, Abakuria, Conflict, Indigenous Mechanisms, Management of Conflict

Introduction

Ethnic conflict in every society is almost inevitable, as most of the conflicts are resource based yet resources are always scarce and competition for them leads to unequal distribution. In fact, conflict is a phenomenon which has caused global devastation. However, the third world and especially Africa have been the hardest hit. According to Wanyama (2000), conflicts have cost Africa a fortune as they are so intense that they lead to massive destruction of property, loss of lives and population displacements among many other evils. In support of this, Leith and Solomon (2000) opines that ethnic conflicts are some of the major challenges facing the world, as they have a compounding influence on other issues such as political, economic and social stability. In Kenya, conflicts between different clans or groups in the same community have occurred since time immemorial. However, such cases have been rampant in the recent past. According to Sikuku (2011), there has been protracted violence in Mt. Elgon region between the Sabaot Land Defence Forces of Soy clan and Moorland Forces of the Mosop clan leading to massive loss of lives and property.

In dealing with these conflicts, the conventional efforts have proved futile as the conflicts keep recurring in most communities. In support of this, Okoh (2005) notes that the conventional methods of dealing with contradictions in the Niger Delta failed to broker peace in the region. According to Awulachew *et al.* (2007), the Oromo of Ethiopia developed the gadaa system, an institution for guiding the social, political, economic and religious life of its people and for managing resources such as water as well as its contribution in conflict resolution among individuals and communities.

In Kenya, several communities have indigenous systems of managing conflict. To begin with, among the Turkana community, Ruto, *et al* (2004) notes that there are two key institutions set for conflict resolution. First is the

Adakar (Livestock Neighborhood Association) which is an important traditional governance and conflict resolution institution which resolves conflicts at community/clan level and the second is the *Ekitoe Ng'ekeliok* which deals with issues that are beyond the capacity of Adakars especially conflicts between the various clans and those between the Turkana and other communities. The same case applies among other Kenyan communities.

Statement of the problem

Conflict between the different Abakuria clans has been going on since time immemorial (Abuso, 1980). For instance, according to Marwa (2001), between 1986 and 1996, there were a number of inter-clan conflicts among various Abakuria clans which were so intense that there was a lot of human and non-human destruction. In another case, OCHA (2009) noted that between July and September 2009, conflict in Kuria District between the Nyabasi and Bwiregi clans displaced over 20,000 persons and left a trail of deaths and destruction of property.

In the management of the various conflicts, a resurgence of interest in indigenous approaches has been witnessed in recent years. Supporters of this position including Mensah (2008) claim that the approaches are participatory and relationship-focused and peaceful outcomes have a higher chance of community adherence. The reason for this argument is that local people come up with their own mechanisms of resolving conflicts which suit them best (Choundree, 1999). The Abakuria community has such an institution known as *Inchama* which is traditionally charged with the task of resolving conflict. However, even with this institution in place, conflict between various clans in the community has persisted for a long period of time. It is from this backdrop that this paper sought analyse the Abakuria indigenous systems of managing conflict.

Objectives of the study

- i) To evaluate the indigenous institutions for managing conflict
- ii) To analyse the role of indigenous institutions in managing conflict (the beauty) among the Abakuria clans
- iii) To assess the role of the indigenous institutions in conflict (the beast) among the Abakuria clans

Significance of the study

The study is beneficial to the country at large since Kenya as a country and Africa in general has experienced conflicts, many of which have persisted for a very long time. The chronic nature of the conflicts indicates a weakness in the current mechanisms of conflict management. Therefore, the findings may be useful in coming up with long lasting peace solutions.

In addition, the study will be useful to the Abakuria since the community has experienced inter-klan fighting for a long period of time. The local provincial administration having failed to broker any long lasting peace, the conflict has continued for ages. The Abakuria community on the other hand has an indigenous conflict management mechanism known as *Inchama*. However, even with the institution in place the conflict persists. The study may therefore come up with recommendations that may strengthen the institution therefore making it effective. Finally, the study gives an input to the body of knowledge with its contribution to the understanding of intra-ethnic conflict and the indigenous mechanisms used in resolving them. In addition the study realised that the indigenous institutions not only manage conflict but were also a catalyst to conflict.

Study area

The Abakuria are an ethnic and linguistic group resident in the Tarime and Serengeti districts of the Mara region in Northern Tanzania, and the larger Kuria District (divided into Kuria west and Kuria east districts) of Nyanza Province, Migori County in southwest Kenya. However, the data for the research was collected from the Abakuria resident in Kenya, who spread over the larger Kuria Districts; Kuria West consisting of the Bagumbe and Bukira clans and Kuria East composed of the Nyambasi and Bwirege clans. According to the 2009 census, the Kuria East District had 81,883 persons and 13,513 households spread in two divisions Kegonga and Ntimaru, While Kuria west District had 174,293 persons and 28,257 Households (KNBS, 2010), spread in two administrative divisions Mabera and Kehancha, therefore a total of population of 256,176 persons and 51,770 households. The various clans are agro-pastoralists practicing crop and animal husbandry. The practice of animal husbandry has for a long time been a recipe to conflict as will be witnessed in the findings. The study area is shown in figure 3.1.



Figure 3.1: Map of the Study Area
 Source: District Development Plan Kuria District 2008-2013

Research methodology

The study employed descriptive survey research design to collect quantitative and numbered data using questionnaires. Ethnographic research design was also used to collect qualitative data. Since indigenous systems of managing affairs among the Abakuria clans have been in place since time immemorial (Abuso, 1980), this design was found appropriate. The study also employed explanatory sequential design. In the words of Creswell and Plano (2011), the design is a procedure for collecting, analyzing and mixing both qualitative and quantitative methods in a single study to understand a research problem. The target population for the study was 52,338 as shown in table 1. This comprised of members of the Abakuria indigenous conflict management institutions that is the *Inchama* and institutions under it which include *Avaragoli*, *Iritongo*, *Sungusungu* and *Ihama*, who are the custodians of information on indigenous conflict management. Also included were members of provincial administration, the District security team, Civic leaders, NGO's, CBO's, FBO's, Peace committees, community policing committees, warriors and the community. From the target population, a sample of 638 was selected. Purposive sampling was used to select provincial administration, the District security team, Civic leaders, NGO's, CBO's, FBO's, Peace committees, community policing committees, snow balling was used to select warriors while transect walk select community

members. The data were collected using questionnaires, interviews and focus group discussions. Quantitative data were analysed descriptively using frequencies and percentages and presented in tables and charts while qualitative data were analysed using the five thematic steps (Jwan and Ong’ondo 2011).

Table 1: Sample Size

Population Description	Target Population	Sample
Members of indigenous institutions	176	48
Provincial Administration	77	42
Civic Leaders	13	7
DAPC, OCS and OCPD	13	13
Non-governmental, Community Based organizations and Faith Based Organizations	110	33
Community policing & peace committee	145	37
Warriors	40	8
Community members (Victims)	51770	450
Total	52,338	638

Source: Researcher Data 2013

Results and discussion

The Indigenous Institutions for Managing Conflict

The study found out that each Abakuria clan had well laid out indigenous systems of handling its affairs. At the apex as shown in figure 2 was the *Inchama* which was the supreme and head council of elders of the clan, tasked with the responsibility of managing all clan affairs ranging from name of age groups/sets, offering rituals to appease the gods, circumcision dates and managing conflicts among others.

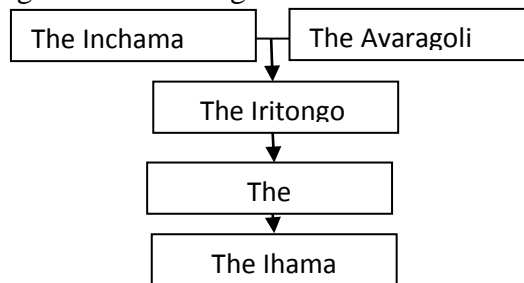


Figure 2: Organizational Structure of the Abakuria Indigenous Governance System

Source: Research Data 2013

Interview with an *Inchama* further indicated that the council of elders (*Inchama*) of each clan worked independently of the others in the management of its affairs. Working very closely with the *Inchama* was the *Avaragoli* who acted as the clan forecasters or seers. Working under the *Inchama* and *Avaragoli* were the *Iritongo*, *Sungusungu* and *Ihama* who

performed various roles in the management of conflict between different communities and between the Abakuria clans.

The Beauty of Indigenous Institutions in Managing Conflict

The indigenous institutions had a wide scope of activities to undertake in the management of clan affairs. One of the key activities was to manage conflicts between the clans and other communities. Their roles in conflict management are shown in table 2.

Inchama and Avaragoli

The *Inchama*, was the central pillar of the Abakuria indigenous system not only in managing conflict but all community traditional affairs. The members of *Inchama* through the *Avaragoli* were regarded more like traditional medicine men. They were all elderly men with no women as members. Their major role in the community could be extrapolated as that of protecting their respective clans, against evil spirits and other supernatural powers emanating from their perceived adversaries as agreed by 125 (30.6%) of the community members. However, it was noted that members of *Inchama* inherited their roles from ancestors and no ‘ordinary’ persons could become a member of *Inchama* by choice.

Table 2: Role of Indigenous Institutions in Conflict Management in Kuria

Institution	Roles	Frequency	Percentage
Inchama and Avaragoli	Protecting the community against evil spirits	125	30.6
	Seeking the truth on issues	102	24.9
	excommunicating members	58	14.2
	imposing fines on aggressors	102	24.9
	Reconciliation	94	23.0
Iritongo	Making traditional rules	95	23.2
	Dispute resolution	57	13.9
	Dispensing justice	94	23.0
	Conducting investigations	35	8.6
	Presiding peace meetings	24	5.9
Sungusungu	Disarmament	67	16.4
	Punishing culprits	115	28.1
Ihama	Protecting the community	46	11.2
	Tracking stolen livestock	34	8.3

Source: Research data 2013

In addition, it also materialised in conflict situations that, members of *Inchama* were frequently consulted by *Iritongo* whenever they wanted to establish the truth of a certain matter, an argument supported by 102 (24.9%) of the community members. These they could do by administering oaths as a way of establishing the innocence or guilt of any accused persons. This involved striping naked in front of one’s kinsmen and women and the entire

clan, passing through some shrine to where members of the *Avaragoli* were seated and taking a concoction whose contents they could not reveal to the researcher. Normally, if a person was innocent, he would agree to take the said oath, but if the person was guilty of the offence he was charged with, he would refuse, because, the rite was perceived as deadly and anyone who took it while they are guilty of the alleged crime, would die as a result of curse invoked upon them by the members of *Inchama*.

In another level, the *Inchama* played a crucial role of banning or excommunicating errant members of the society as opined by 58 (14.2%) of the community members. These could be thieves, cattle rustlers, killers among others. This was done by denying or banning them from accessing or sharing resources such as water, market, land and grazing fields among others with other community members thus compelling them to relocate to areas.

In addition, the Council of elders imposed fines on aggressors as agreed by 102 (24.9%) of the community members. Traditionally and as dictated by the *Inchama*, it was required that they impose very punitive fines which would bar other members from committing a similar wrong. For instance, if one killed someone from another family, the family of the killer was required to pay 7 herds of cattle. In addition, any child born in that family was to be named after the dead. This was believed to act as a replacement of the person who died and also a reminder for the killer and his family of the sin committed. In addition, the fines were supposed to be paid in public and therefore an embarrassment to the family involved.

During and after times of conflict, the *Inchama* played a key role of organizing for dialogue and reconciliation between the warring clans, as supported by 94 (23.0%) of the community members. Once the dialogue and consequently mediation between the warring clans was successful, the *Inchama* conducted traditional reconciliation. This was and is still done by a woman/ women from one clan exchanging babies with those of the warring clan and suckling them. Traditionally, this was a sign of forgiveness, reconciliation and oneness and from then hence forth, it was expected that the two clans would never fight again as they had become one.

These findings agree with Hussein (2011), who opines that the basic principles, such as consultation, conciliation, discussion, negotiation, mediation and arbitration, which are embedded in indigenous-based institutions, encourage conflict prevention and management and mutually agreeable solutions to build sustainable peace.

Iritongo

Iritongo are members of council of elders who represented small individual villages within a given clan and were appointed by community members as a committee charged with managing conflict related to cattle

theft and cattle rustling. In the Abakuria, *Iritongo* means community, thus a way of the community managing its affairs. It was also noted that, each Abakuria clan (Nyabasi, Bwiregi, Bukira and Bagumbe), had its own individual groups of *Iritongo*. Their work basically, ranged from serious dispute resolution between individuals, families and to management of larger conflicts between and within clans. An argument supported by 57 (13.9%) of the community members. In the traditional Abakuria society, it was observed that, the *Iritongo* could work more like custodians of moral values in the society.

The *Iritongo* also dispensed justice and presided over disputes as reiterated by 94 (23.0) of the community members, either on their own within their respective clans or together with members of *Iritongo* from other clans. For this reason, they worked as community judges. In cases of dispute, they could rule for one to be punished through killing, payment of a fine, simple caning or being excommunicated from the village. To enforce these decisions or the rule of community law, they worked in tandem with *Inchama* and *Sungusungu*.

Further, the *Iritongo* were tasked with the responsibility of conducting investigations on cases reported as agreed by 35 (8.6%) of the community members. This was aimed at ensuring that the rulings they made on certain cases were as objective as possible. Upon investigation, they used their policing arm (*sungusungu*) to arrest the criminals.

In addition, 24 (5.9%) of the community members noted that *Iritongo* in collaboration with *Inchama* called for and presided over peace meetings between the warring clans or communities. On agreement, the *Iritongo* oversaw signing of peace treaties between the different communities and clans. For instance an interview with a Chief revealed that in 2009, after a two year conflict between the Nyabasi and Bwiregi clans, the *Iritongo* of the two clans held long meetings which culminated into signing of a peace treaty between the two clans witnessed by the then Nyanza PC Paul Olando.

Finally, in collaboration with the *Inchama*, they did traditional disarmament, an argument supported by 67 (16.4%) of the community members. Being the judiciary arm of the *Inchama*, the *Iritongo* assisted in disarmament of community members with illegal firearms. Once there was an announcement of an amnesty for people to return illegal firearms, all community members complied while those who refused bore the wrath of traditional disarmament through oathing.

Sungusungu

Traditionally, the *Sungusungu* represented the policing arm of the indigenous conflict management system that were used by members of the society to punish culprits found guilty of the offences they were accused of

by *Iritongo* within their respective clans as opined by 115 (28.1%) of the community members. In most instances, *Sungusungu* from different clans could work together to provide community policing against cattle rustling or petty crimes related to cattle theft as agreed by 46 (11.2%) of the community members. As such, they played a key role in managing conflict as most would-be criminals feared the wrath that could be meted on them by the *Sungusungu*.

Ihama

The *Ihama* also acted like *Sungusungu*, however their role differed in that, they formed part of those charged with making follow-ups, popularly known as *Fuata Nyayo* (which translates as follow footprint) when livestock were stolen as opined by 34 (8.3%) of the community members. Together with *Sungusungu* they formed part of the policing arm of *Iritongo* and hence indigenous conflict management system. Apart from following the footprint (*kufuata nyayo*), on tip –offs that livestock had been stolen they ambushed the cattle rustlers, fought them and if successful, the livestock were returned to their owners.

Availability of these institutions agree with conflict management writers that indigenous conflict management mechanisms use local actors and traditional community based judicial conflict management mechanisms. For instance, Sharabi (2010) notes that in the Israel-Palestine case, any proposed resolution plan must be proportional to the intricate problem otherwise it will be dwarfed by the magnitude of the crisis. In support of this, Choudree (1999) notes that the use of alternative methods of conflict resolution by traditional societies of South Africa was deeply rooted in their customs and traditions.

The Beast in the Indigenous Institutions

The study realised that indigenous institutions played a dual role in conflict that is; they managed conflict and at the same time some of their acts caused conflict as shown in Figure 5.3.

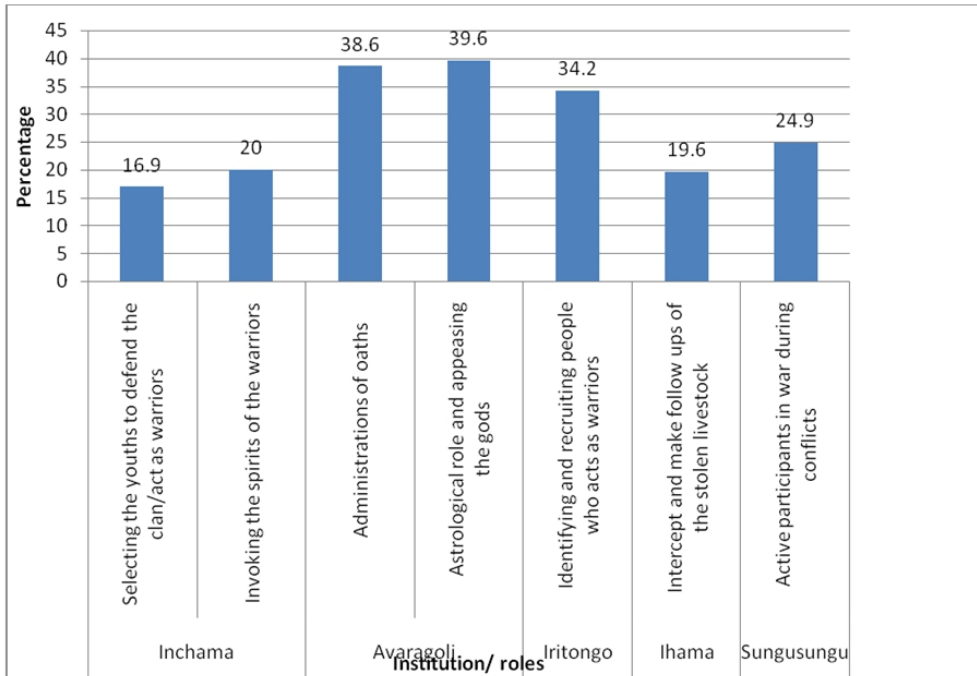


Figure 3: The Role of Indigenous Systems in Conflict
 Source: Research Data 2013

Inchama

From the findings, it emerged that *Inchama* were a recipe to conflict. To begin with, the act of administering oaths was a cause of conflict as supported by 158 (38.2%). First, oaths were administered by using a vessel, which was a human skull, whose origin they were reluctant to disclose. In addition, preparation of oaths was done using human body parts such as breasts, private parts and at some point human blood among others. When the council of elders was in need of these body parts, they send warriors through their leader to get them. Interestingly, these parts were obtained from members of different clans or communities. However, in the process of getting the body parts warriors engaged in cattle theft and consequently conflict between the warriors of the different clans.

The four Kuria clans have a well organized class of warriors with a clear hierarchy who were nominated by, and have the blessings of the council of elders and therefore their role in conflict as suggested by 69 (16.9%) of the community members. In fact, they were identified and consecrated by the council of elders to be the protector and security custodians of their respective clans, and in case of war, the *Inchama* provided charms ‘*Regesa*’ to protect or bless them as they went to war and therefore their role in conflict.

The *Inchama* as council of elders of a given clan were so powerful to an extent that, whatever they said was respected and could determine the decisions a given clan took. In some cases they were cited as the main catalyst of inter-clan violence, through their collective decision on condemning other clans or calling upon their respective clans to rise up in arms against their perceived enemy clans.

Finally, since the *Inchama* benefitted from the conflict either directly or indirectly, they invoked the spirits of the warriors through the use of traditional charms therefore leading to conflict as suggested by 82 (20.0%) of the community members. This provocation was supposed to give an urge in the warriors to go raiding and since they had to seek the protection of the council of elders, they in reciprocation gave a promise of reward in form of cattle after successful raids. To this extent, *Inchama* could be viewed as instigators and even beneficiaries to intra-ethnic conflict.

Avaragoli

These were community seers whose key role was to look into the future (forecast) and advice the council of elders on the way forward which in one way or the other led to conflict as noted by 162 (39.6%) of the community members. To begin with, the *Avaragoli* played an astrological role in the community, not only in conflict but also in all aspects of life. They were a cause of conflict in that when they told the warriors that a raid would be successful or that they stood high chances of winning, the warriors were motivated to go to war therefore leading to conflict. On the other hand, when the warriors involved in conflict were told that they would lose in the war or raid then they refrained therefore peace prevailed.

In addition, after raids or other criminal activities, the seers with the direction of the council of elders offered sacrifices to the gods. The sacrifices were meant to appease the gods and protect the clan against any evil. With such acts from the *Avaragoli*, the warriors went to war knowing that they were protected by the gods. Further, it was the *Avaragoli* who were assigned the task of administering oaths which as seen earlier was a catalyst to conflict. Therefore, the *Avaragoli* were seen as accomplice to conflict although indirectly.

Iritongo

The participation of *Iritongo* in conflict was also identified. It was noted that as members of council of elders they were responsible for identifying and recruiting youths who acted as warriors for their respective clans as supported by 140 (34.2%) of the community members. Warriors were considered as perpetrators of violence and in this sense, were people operating under the blessings and approval of *Iritongo*. In addition, the

Iritongo were accused of being beneficiaries to the spoils of conflict. Since, they had no regular source of income or payment for the work they did. In fact, it emerged that, they could be easily compromised by perpetrators, so that they could overlook the justice system in favour of those who were guilty.

Ihama

These were also warriors, but their roles were slightly different in that, they were supposed to intercept and make follow ups of the stolen livestock and this led to conflict as agreed by 80 (19.6%) of the community members. Since most intra-ethnic conflicts were instigated by cattle theft, the participation of *Ihama* in conflict was indispensable. They seemed to play a positive role, but since they were governed by weak structures of rules, it emerged that they could be easily compromised to become accomplices to crimes of cattle theft and violence which could subsequently lead to inter-clan fights, hence, intra-ethnic conflicts. In addition, since they made follow-up of stolen livestock, they could sometimes intercept the livestock but the perpetrators (warriors) resist. In such cases, fighting would ensue as the clans through their warriors could be engaged leading to conflict. Finally, they were fighters who could also form part of the clan warriors during inter-clan fights.

Sungusungu

During inter-clan conflict, members of *Sungusungu* could also be active participants in the violence as agreed by 102 (24.9%) of the community members. At the first level, the *Sungusungu* arm of the indigenous institution could easily mutate and be part of the warriors in case of need or as directed by the *Iritongo* and *Inchama*. As such they could be accomplices in conflict. At another level, just like the *Ihama*, *Sungusungu* lacked strict governing structure and quite often they were accused of misusing their powers by punishing members of the community who were innocent of the alleged crimes. If such an erroneous punishment was meted on an innocent member of another clan, the clan would rise to revenge leading to conflict.

Conclusion and recommendations

Conclusion

The study realized that the Abakuria indigenous conflict management system comprised of five major arms; *Inchama*, *Avaragoli*, *Iritongo*, *Sungusungu* and *Ihama*. These arms played major roles both in conflict management and instigating conflict. The roles of *Inchama* and *Avaragoli* in conflict management included protecting the community against evil spirits,

administering oaths, ex-communicating errant members, imposing fines, holding reconciliatory meetings and making traditional rules. The Main task of *Iritongo* was dispensing justice, dispute resolution, conducting investigations, presiding over peace meetings and conducting traditional disarmament. The *Sungusungu* had the role of punishing offenders/culprits while the *Inchama* tracked stolen livestock. The activities undertaken by members of these institutions also led to conflict. To begin with the activities of *Inchama* which were a cause of conflict included preparation and administration of oaths, invoking spirits of the warriors, and selecting warriors to defend the clan. The *Avaragoli* played an astrological role and offering sacrifices to appease the gods while the *Iritongo* identified and recruited youths who acted as warriors. The *Sungusungu* were also seen to be active participants during conflicts while the function of *Ihama* of making follow-up on stolen livestock could also instigate conflict. The dual role of the institutions could be the reason for the persistent and recurring nature of the conflict between the Abakuria clans.

Recommendations

The members of the indigenous systems especially *Inchama*, *Iritongo* and *Sungusungu*, as a justice system could work effectively if the government recognized and respected their efforts and trusted their judgements. This could be achieved by; being taken through training and capacity building sessions, the government coming up with clear roles and description of what they should do and recognising their efforts by gazetting all indigenous systems of managing conflict in the country.

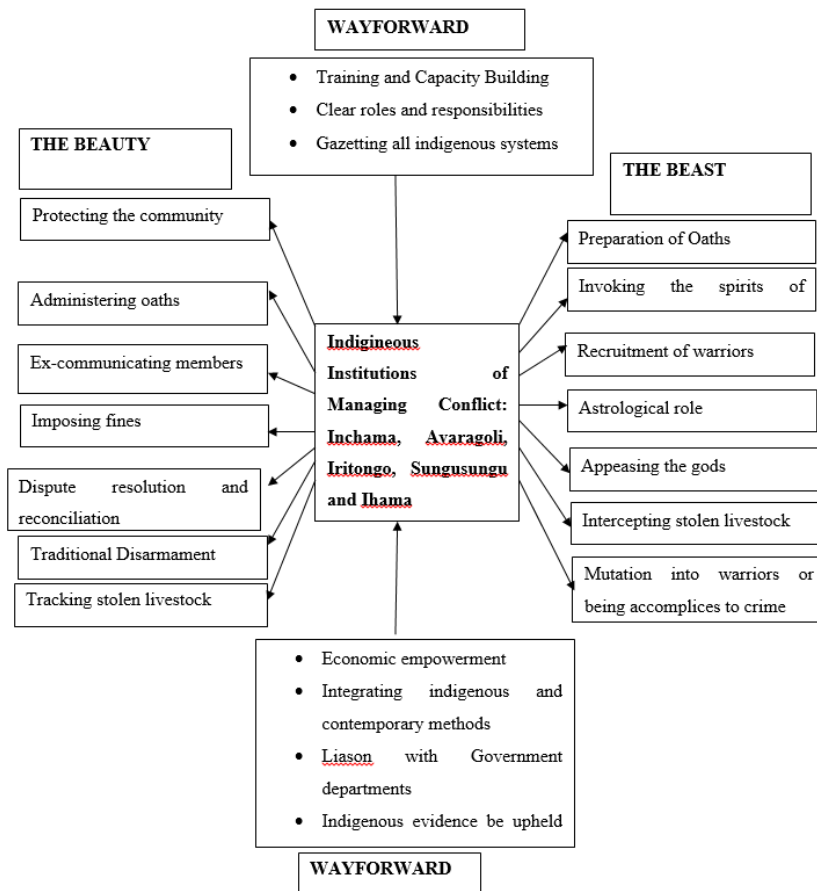


Figure 4: Indigenous Conflict Management Model
Source: Authors 2013

To make the institutions effective requires that they be empowered economically. With such incentives, members to these institutions will attach value to the work they do and perform it the zeal that it requires. In addition, there is need to integrate the indigenous conflict management systems with the contemporary methods. This may call for Liason of the indigenous systems with government departments and security agencies. In addition, evidence that is purely traditional such as a community member refusing to take an oath, an indicator of guilt should be upheld by the court and be accepted in the eyes of the law.

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