RESOLVING CONFLICTS USING INDIGENOUS INSTITUTIONS: A CASE STUDY OF NJURI-NCHEKE OF AMERU, KENYA

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ABSTRACT

The history of conflict is as old as human history. From the dawn of human history, communities have been competing for control of resources and for dominance. These competitions inevitably led individuals as well as social, political, economic, and religious groups to conflicts. It is true that conflict has devastating effects and it is unwanted. It is also true that conflict is unavoidable and it continuous to occur. Conflict is a natural phenomenon in human society except that the approach to its perceptiveness, nature and management vary from society to society. Even the patterns and phases of conflict vary from community to community. Since the causes of conflict are different, it would be better to use different mechanisms for the prevention and resolution of conflicts. This study sought to assess the role of indigenous institutions in promoting sustainable peace in Kenya. The study aimed at exploring the methods used by indigenous institutions in conflict resolution, their achievements, constraints and how to strengthen their role in promoting sustainable peace in the country. A case study of Njuri Ncheke Council of elders of Ameru was taken. The Council has its headquarters at Nchiru market about 13 kilometres from Meru Town.

Njuri Ncheke has a membership of approximately five thousand elders who are spread in the current two Meru counties, that is Meru and Tharaka/Nithi counties. Johan Galtung's conflict theory and analysis that seeks to understand the root causes of conflicts, structure and dynamics of conflicts and its actors with an aim of suggesting possible resolution strategies was used. It reflects the general theory that violence is inevitable and the aim of peace action should therefore be preventing, managing, limiting and overcoming violence.   The study used descriptive survey design and research instruments used were questionnaires and interview schedule.   Descriptive statistics were used to present the findings of the study. The study revealed that Njuri-Ncheke is involved in conflict resolution and promotion of peace in Meru community. Most of the conflicts are resolved at Njuri-Ncheke houses with only intra Njuri-Ncheke disputes and appeals getting handled at Njuri-Ncheke headquarters. The conflict resolution methods used by Njuri-Ncheke council of elders included determination of cases, oathing, counseling, peace crusades, dialogue and instilling discipline among community members.

INTRODUCTION

Achievement of sustainable peace is one of the greatest concerns of all countries. In pre-colonial Africa, this was achieved through the use of indigenous institutions. Indigenous conflict resolution in Africa had spectacular feature uncommon in the global space. The notable feature of this conflict resolution stood Africans in the vintage position of demonstrating their culture and according it a radiant splendor and flame. This was why in pre- colonial African societies, peace and harmony somehow reigned supreme and often produced unique atmosphere for peace to thrive and development became dynamic. Indigenous mechanisms are time tested and effective to handle conflicts that arise. For example, in the Horn of African region, had it not been for these mechanisms, the now sporadic conflict in the area would have been exacerbated and gone out of the governments' control thus escalating to full scale of war between the neighboring states.

When compared with the non-indigenous ones, indigenous mechanisms for the prevention and resolution of conflicts are less complex, save time, and give a chance to parties in conflict to actively participate to solve their own problems and to handle their affairs in a relatively more acceptable way to them (Olaoba et al 2010). The features of indigenous conflict resolution in African societies included performance stance; resolvability of conflict due to the adopted methods and mechanisms demonstration of the customs and norms; deification of the ethnical framework of the society; and the trust of conflict resolution mechanisms that were widespread throughout the society: all these leading to the creation of conducive environment for the

facilitation of peace and the enhancement of harmony within and between neighbouring communities. In other words, these mechanisms were restorative thus leading to healing for communities that had no choice but to live together or next to one another.

The Meru community in Eastern Province, Kenya has an indigenous institution known as Njuri-Ncheke. Njuri-Ncheke means 'the thinned out' or selected committee with a definite social role. It is a traditional governing council for the entire Meru Community which is made up of seven sub-groups: Igembe, Tigania, Imenti, Tharaka, Mwimbi, Muthambi and Chuka (Ishinda et al, 2008). Oral traditions and literature are collaborative in pointing out that Njuri Ncheke was initially formed when the Ameru arrived in their present land from Mbwaa, on the eastern coast of Kenya.   According to Ishinda et al, (2008), the chief architect or founder–father of Njuri Ncheke, was Kaura-O-Bachau (Kaura son of Bachau). Before he died, Kaura-O-Bachau made a vow, a binding curse that the Njuri Ncheke shall never die or cease to exist in Meru. Generally in many traditional communities, breaking such a curse is considered a bad omen and it explains why the Njuri Ncheke has continued to thrive so as to avoid curse from God or the wrath of the ancestors.

The name of Njuri Ncheke is derived from the ritual oath that was taken by all the members of the traditional council: however, only the elders (judges) of the court know this sacred and secret oath (Rimita 1988). The council has three ranks: the lowest being the Njuri comprised of general elders; the second rank is the Njuri Ncheke, a ruling committee; while the third is the supreme authority, the Njuri Mpingere. Members of the Njuri are selected elders who have passed through a series of special initiation rites and paid the established fees. For all practical purposes, the choice of an elder for Njuri membership depends entirely on the inviting members. The choice generally falls on elders who have distinguished themselves by their brilliance and their wealth. And as Kinyua (1970) would say, despite the fact that one could find a poor man in Njuri-Ncheke, it was impossible to find a wealthy fool in it.

According to M'Imanyara (1992), Njuri Ncheke was the institution whose responsibility was to make laws, issue state orders as well as decrees affecting the entire Meru society. Njuri Ncheke acted as the judiciary and also enforced the rules and regulations aimed at conserving the environment. Njuri Ncheke continues to operate in the Meru community and plays various roles in conflict resolution and maintenance of peace not only within the Meru community but also with its neighbours. On this latter account, for example, the Standard newspaper (27/4/2009) reported that Njuri-Ncheke was reaching out to their colleagues from other communities to unite President Kibaki and Prime Minister Raila Odinga, the two political rivals who had been persuaded to form the Grand Coalition government after the 2007/08 ethnic crashes in Kenya. The Njuri-Ncheke and Luo Council of Elders were reported to be consulting to facilitate a national elders meeting to discuss the crisis in the Grand Coalition government. This indicates

that indigenous institutions can play a key role in reconciliation and promoting sustainable peace in Kenya.

Statement of Problem

The now quite regular intra and inter-ethnic conflicts in Kenya is an issue of great concern both locally and internationally. Trends such as the 2007/2008 post-election violence; the formation of youth militia groups in several communities; some fairly large scale ethnic clashes such as in the Tana River Delta and along the borders with Ethiopia and Somalia; and also incessant family disputes, among others, indicate an increase in both conflicts and violence in the Kenyan society. Government mechanism in resolving these conflicts such the Judiciary, the Kenya Police Services and various other administrative systems at various levels, seem inadequate in addressing these conflicts and violence. This inability to solve local issues has resulted into other options that have included the International Criminal Court (ICC) and Truth, Justice and Reconciliation Commission (TJRC) being used as avenues of resolving conflicts. Not only are these expensive in terms of time and resources, but they are also "strange" to the local communities and their need for sustainable peace. It is against this background that indigenous institutions found in various ethnic communities since the pre-colonial period need to be incorporated in conflict resolution. To this end, the Kenya Chief Justice, Dr. Willy Mutunga, in a wide ranging interview by the Standard newspaper on 30th March 2014, noted that only 5% of Kenyans utilised the modern judicial system. In encouraging the use of indigenous and other alternative conflict resolution mechanisms since these are incorporated in the 2010 Constitution of Kenya, (particularly Article 159c), he noted that the modern judicial system was "adversarial, expensive and destructive especially in family cases."

However, the role of indigenous institutions in conflict resolution and promotion of sustainable peace need to be investigated with the view of strengthening them. This study looks at the indigenous institutions taking the Njuri Ncheke Council of Elders of Ameru community of Eastern Kenya as a case.

OBJECTIVES

This study is guided by following four objectives.

1. To assess the role played by Njuri Ncheke Council of Elders in conflict resolution in the Meru community.
2. To explore the achievement of Njuri Ncheke Council of Elders initiatives in maintaining peace in Meru.
3. To establish the challenges experienced by Njuri Ncheke Council of Elders in maintaining sustainable peace in Meru.

4. To establish ways of strengthening Njuri Ncheke Council of Elders in promoting sustainable peace in Meru.

Theoretical Framework

This study has been based on the framework of both Conflict Theory and Peace Theory as postulated by Johan Galtung, (1996). Galtung proposes a Conflict Triangle that is based on the assumption that the best way to define peace is to define violence, its antithesis. It reflects the general theory that, unlike conflict that is a human trait, violence is a human creation, something learnt, and hence it can be reversed. Education – all throughout human history – has played a role either in instigating violence or in curbing it. Accordingly, peace education and peace action should have two interrelated purposes: firstly, to help the individuals internalise peace, that is, they themselves be peaceful beings; and secondly, equip the individuals and their communities with the necessary tools for preventing, managing, limiting and overcoming such violence.

It is also necessary that in our modern world and especially as we closely examine the role of indigenous institutions in conflict resolution, that we also examine violence and conflict holistically. It is for this reason that the inclusive Johan Galtung's conflict theory becomes relevant, especially his Conflict Triangle that is made up of direct, structural and cultural violence, as shown in the Figure 1.

Figure 1: Conflicts Triangle
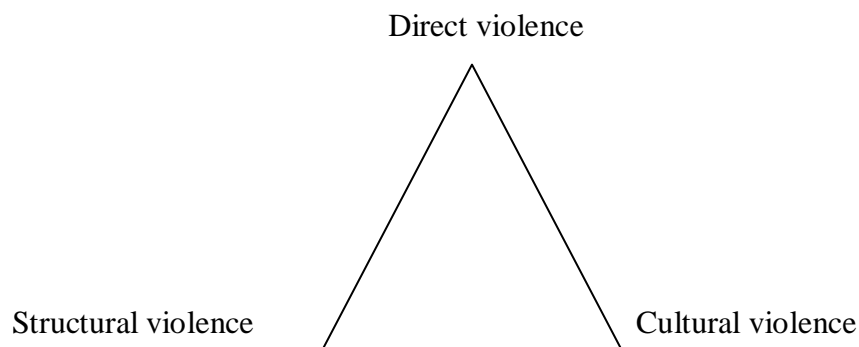
Source: Galtung 1996

Direct violence refers to somatic or overt violence that harms the body and may include light actions such as a slap all the way killing and even massacre by a known agent that planned and the executed the action. Structural violence refers to indirect violence caused by imbedded unjust societal structures that result in inequality in distribution of resources and in resultant benefits.

Such violence is manifested by negative effects caused by avoidable causes such as shortages even in plenty, deaths that can be easily avoided, and the like. All this must not be confused with the so-called "acts of God" that may include death or injuries from accidents, floods or hurricanes. It is however necessary to note that often many of such injuries arise from human negligence since most times humans are aware of such "acts" and are capable of avoiding the resultant disaster. Cultural violence occurs as a result of the cultural assumptions that blind one to both direct and structural violence. A key example of this in the Kenyan situation would be the cruel practice of Female Genital Mutilation (FGM) that, though now illegal, continues to thrive as the involved communities consider the practice to be culturally significance much as it violates the girls' health and dignity.

The study also exploits Galtung's peace theory that explains two types of peace, namely, negative and positive peace. Galtung defines negative peace as the absence of direct or somatic violence whether directed to an individual or even to a whole community. However, such a definition is narrow as it ignores the presence of the other two forms of violence, that is, structural and cultural violence mainly due to their being systemic, that is, their hidden nature in the fabric of society. Under such circumstances, totally unacceptable societal behaviour patterns that are certainly inconsistent with peace become accepted as peaceful. It is for such consideration that Galtung advocates positive peace, includes not only absence of direct, but also that of structural and cultural violence. The absence of structural violence is a positively defined condition that amounts to the egalitarian distribution of power and resources in society, whose implementation would automatically lead to the reduction or elimination of personal or direct violence and thus ensuring that hostility and further violence could no longer flourish. The theory proposes a holistic view of peace far beyond the absence of war, that is, absence of direct violence, to also include peace as justice and development, that is, absence of structural violence. It also advocates viewing peace as respect and tolerance between people, peace as balance in and within ecosystem, inner peace or spiritual peace, that is, peace with one's God and with self and peace as wholesome or making whole, that is, a feeling of total satisfaction with life and anything around one.

The conflict and peace theory have therefore enabled this study to explain the meaning of sustainable peace, namely presence of positive peace in the community. Noting that Njuri Ncheke is basically a culturally based organization, the study was concerned in assessing the role of the Council in handling violence, especially structural and cultural violence within the Meru community.

METHODOLOGY

A cross sectional descriptive survey was employed to investigate the role of indigenous institutions in resolving conflicts in Kenya. The major purpose of descriptive survey is presentation of the state of affairs as it exists at present. The target population was members of Njuri Ncheke Council of Elders of Ameru. Meru is currently divided into twelve districts namely, Igembe North, Igembe South, Tigania East, Tigania West, Imenti North, Buuri, Meru Central, Imenti South, Nithi, Maara, Tharaka South and Tharaka Nrorth. Owing to the indigenous nature of the Njuri Ncheke, it was difficult to establish its total membership as no register is kept. However, according to information from Njuri Ncheke National General Secretary, Mr. Phares Rutere, and Spiritual Leader, Rev. Stephen Mugambi Mwithimbu, it was estimated to have about five thousand members (5000). A census of Njuri Ncheke officials was taken as shown in the Table 1.

Table 1:   Sampling Frame

Category	No. of members	Sample	Percentage
Nyambene Region Officials	40	40	100
Imenti Region Officials	30	30	100
National Officials	15	15	100
Total	**85**	**85**	**100**

FINDINGS

The role of Njuri Ncheke Council of Elders in Conflict Resolution

The central role of Njuri Ncheke in conflict resolution and promotion of peace were realized from the study. The study established that the Council's effectiveness sprung especially from two of its positive features namely, its structure and also the wide-ranging strategies employed to resolve conflict as it occurs. Njuri Ncheke structure starts from the location committees all the way to the National Executive Council which is the supreme organ. The lower level organs form what is known as the Njuri Ncheke Houses, found in every district while the Njuri Ncheke headquarters and shrine are located at Nchiru Market, thirteen kilometers from Meru Town.

Table 2 records the places where disputes are resolved.

Table 2. Places where disputes are handled

Place	Frequency	Percentage
Njuri Ncheke Houses	50	62.5
Njuri Ncheke Headquarters	20	25.0
Places where disputes occur (homes, etc.)	10	12.5
Total	**80**	**100.0**

As Table 2 reveals, most of the conflicts, constituting 62.5% are resolved at Njuri Ncheke Houses that are found all over the community and another 12.5% concerning minor dispute such as found in homes or concerning boundaries are resolved basically where they occur. It is only intra-Njuri Ncheke disputes, appeals and cases involving the entire Meru community, comprising only 18.8% which get handled at Njuri Ncheke headquarters. The study established that the community admires this decentralization strategy of conflict resolution as it makes conflict resolution easier and manageable. It also emerged from the study that Njuri Ncheke upheld principles of justice in resolving disputes by making its courts open to members of the public, allowing parties involved in a dispute to tell their story, call witnesses and those who wish can get represented by a third party.

These findings are supported by M'Imanyara (1991) that administration of justice was the main pre-occupation of elders. At any court sitting, experts in legal proceedings were invited from other Houses of the Council to act as assessors. The judicial system was so good that it allowed the plaintiff and the defendant to invite their own trustees in court who, in most cases, were themselves very knowledgeable in legal practice. According to Kangoi (1972), the decisions of Njuri Ncheke were final. There was no other authority to which an appeal of cases could be made. As such then, and as Rimita (1988) would state, all Njuri Ncheke judgments had to be absolutely right if the Njuri Ncheke elders could help it.

Other Mechanisms for Conflict Resolution

Njuri Ncheke also employs other community-respected mechanisms of resolving disputes and maintaining peace, apart from listening to cases, as shown in Table 3.

Table 3. Other Mechanisms Used in Resolving Conflicts

Methods	Frequency	Percentage
Advice/counseling	70	87.50
Oathing	45	56.25

Peace crusades	52	65.0
Instilling discipline	60	75.0
Cursing	25	31.25
Dialogue	74	92.50
Negotiation	63	78.75

N = 80

As indicated in Table 3, these are wide-ranging mechanisms of conflict resolution that are employed by Njuri Ncheke council of elders depending on particular circumstances. The key attraction of all of them is their participatory nature that inevitably leads to restoration of whatever relationship that had been broken or injured. Besides, the open nature of the proceedings provides a learning opportunity for all present to avoid a repeat in the future.

Cooperation with other Conflict Resolution Bodies

The study also revealed an exciting development in that co-operation existed between the judicially arm of government and Njuri Ncheke in conflict resolution.   For example, the respondents quoted instances where the judicially referred cases to the Council to investigate and report their finds back to court. Such cases particularly involve un-adjudicated land disputes, family disputes and boundary disputes.

Achievements of Njuri Ncheke in conflicts resolution

As far as conflict resolution among the Ameru was concerned, Njuri Ncheke has many other positive aspects as outlined in Table 4.

Table 4: Achievements of Njuri Ncheke in resolving disputes

Achievement	Frequency	Percentage
Corruption free	68	85.0
Handle case quickly	71	88.75
Reasonable fees (cheap)	63	78.75
Abolition of negative cultural practices	40	50.0
Social moderation	51	63.75
Maintenance of discipline	57	71.25

N = 80

As shown in Table 4, the study established that Njuri Ncheke has been able to expedite dispute resolution without delay and through a corruption-free process. Also, and as contrasted with the formal judicial systems, Njuri Ncheke offers legal service at affordable costs thus making its services accessible to many; with the destitute, orphans and widowers accessing such legal service from Njuri Ncheke for free.

Another achievement cited by the respondents was that Njuri Ncheke promotes peace in the community through maintenance of discipline among the community members. Those who contravene Njuri Ncheke discipline code are punished. It was also established that Njuri Ncheke provides social moderation and respect for social values which are vital in promotion of peace within the community, including giving guidance on various social aspects such as marriage, dowry payment and inheritance so as to help avoid conflicting cultural practices.

These findings resonate with Ishida et al (2007) who report that the Njuri Ncheke of Meru has managed to preserve its social significance with regard to disputed management at the grassroots level. In Meru communities today, it is fairly common for the local people to result to traditional methods, especially when they find it hard to determine their disputes through tête-à-tête talks between the parties themselves or in informal litigation at official courts or out-of-court mediation at a chief's baraza (meeting). In such cases, the parties visit the neighbourhood forum of Njuri Ncheke in which traditional oaths can be taken as an alternative method of dispute settlement. In both criminal and civil cases, once the defendants swear with regard to the matter of dispute, they are released from the burden of proof, whereas the complainants are required to wait for the outcomes of the oath (Ishida et al, 2007). Some of the cases dealt with by these Njuri Ncheke Houses include boundary disputes, personal debts and petty theft cases. Njuri Ncheke National Council still meets at its headquarters in Nchiru and settles major disputes especially boundary disputes between various Meru sub-tribes.

The study also concurs with M'Imanyara (1992) that Njuri Ncheke was the Ameru's institution whose responsibility was to make laws and issue state orders as well as decrees affecting the entire Meru community. As the delegates to Njuri Ncheke national assembly are representatives of every House of Njuri Ncheke and are also "Merus' wisest" – not just then, but also now – it would be unusual if their decisions were not generally accepted. Besides, Njuri Ncheke has also endeared itself to its society by offering leadership that has greatly reduced negative cultural practices such as Female Genital Mutilation (FGM) and cattle rustling that are currently key causes of conflict in society, not only in Meru but elsewhere. Moreover, and away from the expected cultural responsibilities, Njuri Ncheke has also spearhead development projects that benefit the entire Meru community. Perhaps the top case is the building of the Meru University of Science and Technology for which the Council has donated six hundred forty one acres of community land and is represented in the University Management Council.

Challenges Experienced by Njuri Ncheke in conflict resolution

Table 5 presents the challenges faced by Njuri Ncheke in its declared responsibility of conflict resolution among the Ameru community.

Table 5. Challenges experienced by Njuri Ncheke in resolving disputes

Challenge	Frequency	Percentage
Financial problems	71	88.75
Disregard by the youth and elite	60	75.0
Hostility from some religious groups	30	37.5
Political interference	69	86.25
Lack of legal mandate	65	81.25
Lack of commitment by some leaders and members	21	26.25

N=80

As shown in Table 5, Njuri Ncheke faces a number of key challenges, firstly, as an institution and secondly in its efforts at conflict resolution and in promotion of peace among its constituent population. The study established financial problems as the main challenge experienced by the Council and its Houses. This is so because Njuri Ncheke has only registration fee for new members and the very low legal fees that are charged to those seeking its services as the sources of its income. Political interference, especially from the community power elites as they compete for influence of the Meru community, is another challenge to the Council especially as this goes against the Council's mandate of uniting the community. Njuri Ncheke also lacks the legal mandate for its peace promotion activities as the institution is not registered. It therefore has no legal backing in resolving disputes and its resolutions are not enforceable. Other challenges include disregard of Njuri Ncheke by the youth and elite in the community who, in spite of indications otherwise, still consider the institution as "primitive" and out of step with modern ways of operation. Hostility from some religious groups and lack of commitment by some of community leaders and members are also identified as challenges. These findings are in line with other studies of traditional institutions. According to Rimita (1988), the indigenous institutions experience challenge from the state-based institutions such as the judiciary and the police department who, especially in criminal cases, over-rule the decisions or rulings by traditional institutions.

Another major challenge of most indigenous institutions is the exclusion of women from policy and decision making, thereby excluding about half the adult population. For example, Njuri Ncheke is a men only Council (Rimita, 1988). The exclusion of youth and also the shying away of the educated and westernized elites, especially where traditional institutions have remained glued to the past, forms another great challenge. Indigenous institutions also experience challenge from modernization and monetization which are destroying communal spirit by

encouraging individualism (Olowu and Eero). For example, unlike the past when elders were giving voluntary service to the community, today people tend to demand payment for any service that they offer.

Another challenge is that most cases conducted by indigenous institutions, including the Njuru Ncheke, are generally held in open air grounds. While we have hailed this "openness" and inclusion of all as positive, some parties, especially during cases of property ownership and inheritance rights, shy away from talking freely in the presence of large gatherings (Njuri Ncheke Report 1994).

Strengthening of the roles of Njuri Ncheke

In order to perform its duties of conflict resolution and peace building with confidence and to the satisfaction of its clientele and also within the national legal provisions, it is necessary to strengthen Njuri Ncheke and is organs. Table 6 records suggestions from the study on this aspect.

Table 6. Suggestions on Strengthening of Njuri Ncheke Council of Elders

Suggestions	Frequency	Percentage
Give it constitutional recognition	73	91.25
Government funding	60	75
Offering legal education	45	56.25
Involvement in income generation activities	51	63.75
Networking with other institutions	61	76.25
Preservation of indigenous knowledge	20	25
Detaching politics from the affairs of the institution	67	83.75

N=80

As is clear from Table 6, majority of the respondents felt that there is need for constitutional recognition of Njuri Ncheke together with other indigenous institutions in the country. In fact, such recognition is already provided for in the 2010 Constitution of Kenya under Article 44 on Language and Culture, but more particularly in Article 159c on Judicial Authority. The only qualification is that such indigenous mechanisms are within the general provisions of the constitution. It is therefore a question of finding the right mechanisms of operationalising these

constitutional provisions to avoid the present quite regular overruling of some Njuri Ncheke judgments because they lack legal mandate to resolve disputes. Njuri Ncheke also operates under difficult financial constraints due to lack of income generating activities. The study established that government funding and involvement of Njuri Ncheke in income generating activities would strengthen its activities by solving the challenge of financial constraints. There is also the need for the provision of legal education and training to Njuri Ncheke so as to equip the leadership and the members with dispute resolution skills.

The other strategies of strengthening the institution include networking with other indigenous institution and detaching politics from the affairs of the institution. The European Union-funded Baseline Survey, (Nov. 2004) in Turkana and Karamoja recommended peace dialogues to be facilitated and promoted and, where necessary, the government should aid the elders to enforce their resolutions. This also entails sensitizing the communities on the need to resolve their disputes amicably through dialogue and not through violence.

Quam (1996), recommends that there is need for the government to strengthen traditional institutions in building peace committees. These committees should be trained on modern arbitration, mediation, dialogue and democratic governance issues in order to enable them take cognizance of the modernizing world. Members of the peace committees should be facilitated to visit other areas that have mainstreamed the said issues. Ruto *et al* (2004), recommends that security linkages, collaboration and sharing of intelligence information between government and indigenous institution should be initiated and fostered. The institutions should be seen as complementing the work of the respective governments in building peace. Community policing should be promoted and strengthened in all areas.

Indigenous institution should be encouraged to embrace modern forms of education as a valued goal for its members. As already recorded, the Njuri Ncheke has led from the front by donating land and building the Meru University College of Science and Technology. We have other useful examples worth recording. In Ohafia community of Nigeria, children are encouraged to do well in school and their kin invest a large percentage of their scarce financial resources to send a promising student to college abroad.   People do not consider this enthusiasm for education to be an indication of westernization. On the contrary, it is considered to be evidence of a continuing ethic of achievements which is said to have characterized the Ohafia people from time immemorial. The traditional quality of the achievement is captured in the celebration given to men who return home having completed advanced degrees. They are received to a performance of music, dance and singing which is identical to that performed a century ago for warriors returning successfully from battle. Thus the attainment of status signified by a university degree is made meaningful and characteristic of traditional values by being linked, ceremonially and symbolically, to the achievement of ancestors long ago (O'Meara and Martin 1995).

CONCLUSION

Based on the findings of the study, it can be concluded that Njuri Ncheke Council of Elders of Ameru plays a significant role in conflict resolution among its members and neighboring communities. Its role in this regard is a useful supplement to the judiciary and other related national organs in resolving conflicts at the local level especially on land, family and inter-community boundary disputes. The clients prefer to use the Council since the disputes brought to it are resolved cheaply, faster and to the satisfaction of the disputing parties and thus promoting restorative justice that ensures sustainable peace among the involved parties. However, Njuri Njekes's effectiveness is compromised by the difficult circumstances under which it operates that included lack of recognition by the law, politicization of its activities by some key members that leads to divisions within the community, and also limited financial resources on which to operate.

It is for these reasons that the study recommends recognition and institutionalization of indigenous institutions like Njuri Ncheke as the law provides and also financial support and training in legal and conflict resolution matters by the government and other interested bodies. Such support would also ensure Njuri Ncheke's effectiveness through rejection of political interference and manipulation and also its ability to take decision that are legally respectable, thus earning respect from all its clients and members. It is also necessary that the government provides guidelines on how the judiciary can work in collaboration with the Councils of Elders all over the land. This is so because these institutions have invaluable information that can be used to resolve many disputes now handled by the judiciary, an act that would lead to decongesting the law courts and making justice accessible at all levels of the society.

The study has also established need for Njuri Ncheke Council of Elders to network with other institutions that endeavor to promote peace in the country. These could include, among others, both local and international Non Governmental Organizations (NGOs) that have objectives and activities of promoting peace in the society. Networking between and among the very few indigenous institutions that exist in the country should be encouraged so as to share knowledge and develop teamwork in promoting peace in the country. This should be through organizing annual elders' conferences that could bring together all indigenous institutions into a discussion and strategizing on how to promote peace and dialogue in the country. Generally, and due to their inbuilt comprehension of local issues, indigenous institutions need to be more empowered through training in peace education all the way from training in early warning mechanism of conflict to resolving conflicts at hand.

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