

Effectiveness of the Conflict Management Mechanisms in Land Use Conflicts in West Pokot County, Kenya

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Abstract

West Pokot County, Kenya has experienced land use conflicts for a very long time. Land is a very important resource for pastoralists and agropastoralists' livelihood. Formal Conflict management mechanisms were established to manage land use conflict in West Pokot County however, the conflicts persisted. The Constitution of Kenya 2010, transformed the conflict management mechanisms by integrating the formal and the informal mechanisms. The judiciary system of conflict management was complimented by the alternative dispute resolution mechanisms and the traditional dispute resolution mechanisms. Despite the integration of the formal and informal conflict management mechanisms, land use conflicts have persisted in West Pokot County, Kenya. Therefore, this study explored the effectiveness of the conflict management mechanisms in transforming land use conflicts in West Pokot County. The study used the conflict transformation theory to analyze the effectiveness of the conflict management mechanisms in transforming land use conflicts in the county. It used both descriptive and explanatory research designs to give the actual picture and explanations of the effectiveness of the conflict management mechanisms in West Pokot County. The questionnaire, interview schedule, focused group discussion and observation schedules were used to collect data primary data. This study used the SPSS to analyze quantitative data while qualitative data was analyzed using qualitative analysis. The findings of the study shows that the conflict management mechanisms in West Pokot County are not effective in the transformation of land use conflicts. Complete implementation of the conflict management mechanisms will improve the transformation of land use conflicts in West Pokot County.

Keywords: Conflicts, Mechanisms, Management, Land-use, County

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1. Introduction

West Pokot County has experienced land use conflicts for a very long time. The appropriation of land from natives by colonialists subjected the people of West Pokot County to exclusion, landlessness, marginalization and discrimination. The Pokot community lost some of its fertile land for grazing to Europeans in Trans-Nzoia County. Their land in Trans-Nzoia was seized and the community expelled to West Pokot County where land was semi-arid. The post independent governments adopted the colonial land reforms and enacted laws and policies which further marginalized the people of West Pokot County. The county was regarded as low potential area and very minimal resources were allocated to the county towards the management of land use. Indeed, the Ministry of Land and Physical Planning transferred most of its services to the county after the establishment of the 'devolved government' in 2013 (Nangulu, 2009).

The Pokot community was unable to restore their grazing land from Trans-Nzoia County after Kenya became independent in 1963. The process of land transfer from traditional ownership to individual freehold or leasehold started in 1970s whereas in other counties, it started immediately after independent in 1960. Further, the process was only implemented in some parts not in all parts of West Pokot County (Nangulu, 2009). For instance, 90% of land in West Pokot subcounty and 60% in Pokot Central have title deeds but all the persons in North Pokot do not have title deeds as land is owned by the communally. Only 11% of the farmers in the county have title deeds. Thus, the county has experienced intracommunity conflicts largely as a result of land boundary disputes (Republic of Kenya, County Government of West Pokot, 2013).

Nyber, et al. (2015) argues that the introduction of enclosures for land rehabilitation, fodder production and land and livestock managements in dryland areas is a great idea of transforming pastoralism to a livestock-based agropastoral system in some parts of West Pokot County. The use of enclosures was closely associated with and depended on privatization of land under different tenure regimes. Although, the enclosures provided an opportunity towards sustainable land use in dryland, the process triggered conflicts caused by inequitable and unfair distribution and weak collective property rights in the county.

The land use conflicts are emerging due to changes in land tenure, that is, from communal to private land

ownership. The conflicts include boundary, trespassing of animals, or internal family disputes when sons fight about what piece of land to inherit. The transfer of land from communal to private land ownership have reduced community control over the decisions of individual to sell their land which belong to them by virtue of being a member of a family, clan and community. The selling of land by individuals have created diverse conflicts such as demand of land or more money after the value of land appreciates, fraud in land selling processes and corruption in the Ministry of land (Saxer, 2014).

According to Huho (2012), West Pokot County has experienced intracommunity conflicts related to land distribution and land use. The need to access the available land resources, during the dry spell easily triggers conflicts between community members living on the lowlands of Sigor, Cheptulel, Kacheliba and Chepkopigh and on the highlands of Chepateria, Lelan and Kapenguria. The community living in lowland areas are forced by droughts and famines to migrate to highland areas in search of water and pasture for their livestock. The movement is a source of conflicts between agropastoralists and pastoralists.

The integration of the formal and informal conflict management mechanisms in the devolved system of governance was proposed as a panacea of management of land use conflicts in West Pokot County. However, persistent intracommunity and intercommunity conflicts related to land use from the time the devolved system of governance was established raises questions about the efficacies of the conflict management mechanisms in West Pokot County. This paper shows the results of the perceptions of the households, government officials, nongovernmental officials and other stakeholders with regards to the effectiveness of the conflict management mechanisms established in the devolved system of governance to manage land use conflicts in West Pokot County.

2. Conflict Transformation Theory

The conflict transformation theory is often associated with Johan Galtung and John Paul Lederach. The theory which acknowledges that conflicts are not only inevitable in human relations but also desirable seeks to explain conflicts in terms of reconstruction and change of broken relations. It aims at transforming negative destructive conflicts into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict (Schilling, 2012). It attempts to involve different cadres of society using strategies which are suitable for each cadre. Different strategies are employed for the elite, middle level actors and grassroot actors to ensure all participate in transformation of the conflict into constructive and peaceful relationships.

Conflict transformation is a process of engaging with and transforming the relationships, interests, discourses and the very constitution of a society that supports the continuation or prevention of violent conflict (Miall, 2004). It is a complex and multi-dimensional process of constructively changing relationships, attitudes, behaviors, interests and discourses in violence-prone conflict settings in order to achieve sustainable long-term peace. It seeks to address the underlying structures, cultures and institutions that encourage and condition violent political and social conflicts due to inequality, discrimination and marginalization in political, social and economic development. The theory explains the potential for constructive change initiated by conflict, but also destruction if not well managed (Lederach, 2014).

West Pokot which has experienced protracted conflicts related to land use requires comprehensive conflict management mechanisms entrenched in a system of governance that advocates for democracy, public participation, inclusivity and equitable transfer and sharing of resources. The devolved system of governance radically transformed the centralized system of governance as well as the conflict management mechanisms. The devolved system is democratic and has integrated the formal and informal conflict management mechanisms from the national to county levels, thus providing an opportunity for the West Pokot County to peacefully transform conflicts related to inequitable distribution of land, change of land tenure, corruption, poor administration of land and mismanagement of land use. The theory is suitable for this study because it is comprehensive and seeks to achieve short, medium and long terms goals of transforming conflictual relations or incompatible interests into beneficial relations to all parties in the county (Berghof Foundation, 2012).

3. Research Methodology

This study used descriptive and explanatory designs to explore the effectiveness of the conflict management mechanisms mainstreamed in the devolved system of governance in managing land use conflicts in West Pokot County. The mechanisms are designed to transform land use conflicts and establish long term peaceful management of land use conflicts in West Pokot County. The descriptive design was used to obtain a systematic description of the conflict management mechanisms as they are manifested in West Pokot County. While the explanatory design was used to complement the descriptive design by explaining the effectiveness of the conflict management mechanisms established in West Pokot County to manage land use conflicts.

West Pokot County, the area of study was identified because of persisted land use conflicts but which was marginalized and discriminated by the centralized system of governance. The county lacked the courts to manage land conflicts and the traditional dispute resolutions mechanisms were despised, undermined and vilified

as outdated mechanisms of conflict management. Thus, the introduction of the devolved system which was mainstreamed with the conflict management of mechanisms and which required the counties to participate in management of land use conflicts opened a door for county and its leaders to prioritize the management of land use conflicts. The national government, county government, National Land Commission, residents, civil society and other actors have a crucial role in the management of land use conflicts in the county. Yet, the county has continued to experience protracted and intractable intracommunal and intercommunal land use conflicts. Land use conflicts have occurred among family members, clans and communities. They have also occurred among the pastoralists and agropastoralist, among those who live in lowland and those who live in highlands and during droughts and famines. The study sought to examine the effectiveness of the conflict management mechanisms in transforming land use conflicts in West Pokot County.

The study population included household heads, government officials, civil society officials, politicians, council of elders and residents of West Pokot County. The researcher used purposeful sampling to obtain samples of one county commissioner, one deputy county commissioner, three assistant county commissioners, seven chiefs, four subchiefs. Three staff from the Ministry of Land and Physical planning in West Pokot County. At county level, four officers were sampled from the Department of Land, Housing and Physical Planning and Urban Development. Two civil society officials, two politicians and ten council of elders were sampled and interviewed. In addition, the study also used the probability sampling to obtain representative sample of household heads from 116,182 households (KNBS Census Report, 2019).

The study adopted Gomm (2008) prescription of a formula of determining appropriate sample size. Gomm point out that for a population of 50,000 individuals, the required sample is 382 items from the study population. Therefore, for a population of 116,182 households in West Pokot County, the study obtained a population of 384 households from West Pokot County. The study distributed the questionnaires in the four subcounties in West Pokot County. The copies of the questionnaire were further distributed to locations, sublocations, villages to households across the county. The 384 sample size was a representative of the household heads in West Pokot County.

The sample of household heads, government officials, civil society, politicians and council of elders were sampled and they provided the data that was used in this study. Observation was also used to collect data for the study. The study also analyzes policy, laws and reports. It also used secondary data such as internet sources, books, articles, journals, magazines and newspapers to obtain data for the study.

4. Conflict Management Mechanisms in West Pokot County

This section sought to explore the perception of the household respondents towards the conflict management mechanisms established in West Pokot County to manage land use conflicts. The results of the distribution of the household head respondents was demonstrated in Figure 1.1.

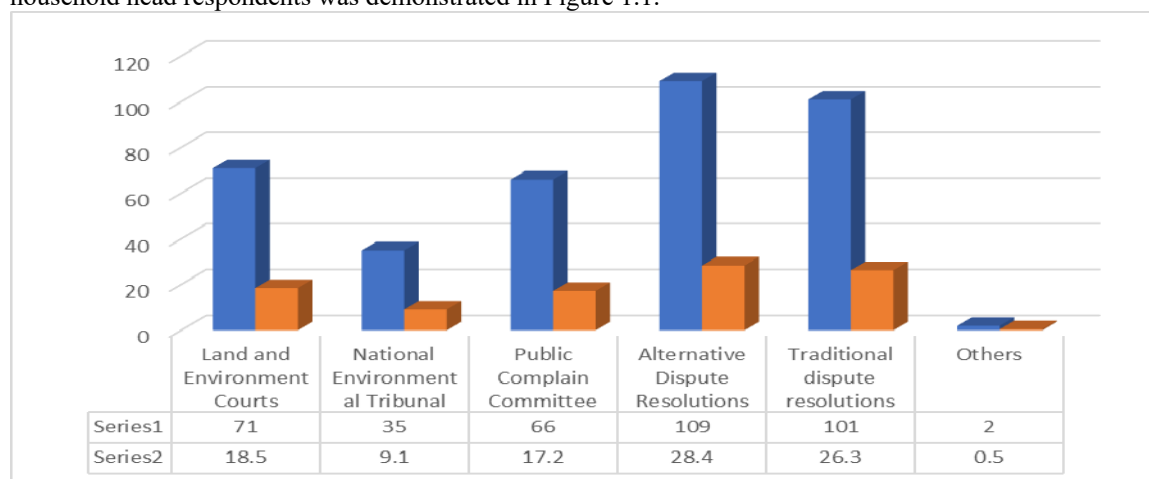


Figure 1.1. Perception of Household Head Respondents on the Conflict Management Mechanisms in West Pokot County

Source: Field Data, (2018).

The results in Figure 1.1 shows the distribution of perceptions of household head respondents on the conflict management mechanisms established in the devolved system of governance to manage land use conflicts in West Pokot County. The result shows that 109 (28.4%) of household head respondents indicates that they were aware of the existence of the alternative dispute resolutions mechanisms in West Pokot County. It shows that 101 (26.3%) household head respondents were aware of the existence of the traditional dispute resolutions mechanisms in West Pokot County. The results show that only 71 (18.5%) of household respondents were aware

of the existence of the Environment and Land Court, while 66 (17.2%) were aware of the existence of public complain committee, and 35 (9.1%) were aware of National Environmental Tribunal. The results demonstrate that most of the household head respondents were aware of the existence of the ADR and traditional dispute resolutions mechanisms in the county. However, less than 20% were aware of the existence of the Environment and Land Courts in West Pokot County, Kenya. This is because the court has not been established in the county and very few household heads may even have capacity or means to access it. The West Pokot residents can access the court in Trans-Nzoia County, a distance of over 30km from West Pokot County headquarter. This partly explains why only 20% of household heads were aware of existence of the court as a mechanism of managing land use conflicts in the county.

The researcher ascertained the results in Figure 1.1 through interviews and observations in West Pokot County. Although the majority of the household head respondents indicated that they were aware of the existence of the Alternative Dispute Resolution (28.4%) mechanisms, most of interviewees indicated that they were familiar with the traditional dispute resolutions mechanisms in the county (Constitution of Kenya, Article 159(2[c]), (3)). For instance, in the focused group discussions with a council of elders in Sigor, Central Subcounty confirmed that traditional disputes resolutions mechanisms were used to manage land boundary conflicts. The committee of elders used the system to manage and reconcile members of families, the communities and ethnic groups. The elders also used the forums to sensitize the community to appreciate the importance of land adjudication and registration in the county.

One of the elders said that

The council of elders had assisted many family members to mediate land boundary disputes between members of families, clans and communities. The council had solved many disputes which had delayed land adjudication and registration. Their skills in conflict management had assisted the community to solve land boundary disputes peacefully and the surveyors were preparing to demarcate the land. (Respondent West Pokot County, 2018).

The traditional dispute resolutions mechanisms had also influenced the management of land boundary disputes in Wei Wei Irrigation Project. The elders had assisted family members to peacefully manage their share of land within the irrigation project. The Respondent who was an officer in the irrigation project at Wei Wei in Sigor stated that

The KVDA and Italian organization established and launched the Wei Wei irrigation project more than 30 years ago. The phase I and II of the project was implemented on 225 hectares clan land. The households were entitled to one hectare. But for the last 30 years, household have grown and expanded. The one hectare for each household is now very small compared to the increase of households. The KVDA established the Project Committee in Wei Wei Irrigation Project to manage land conflicts among households. The committee work closely with council of elders, county commissioner and other stakeholders to manage the land disputes through mediation and negotiations conducted through *barazas* and other forums. The committee makes decisions based on consensus among those in conflicts and it is also tasked with enforcement of the decisions made (Respondent, West Pokot County, 2018).

According to Saxer (2014), village elders were central authority who people addressed as advisors or were called upon to solve conflicts related to land regulations, registrations and conflicts. The traditional dispute resolutions mechanisms are hinged on the core belief and values of the community. The mechanisms are based on the belief of the supernatural being and forces which are invoked to determine the truth and fairness by both the victims and offenders in the land conflicts. The elders achieved this process of conflict management through oaths taking or performance of rituals to determine the just outcome of a conflict. This mechanism was used in very complex disputes and was believed to be effective in managing the conflicts in the community. The system was believed to be effective in establishing the truth, deliver justice and restore harmonious relationship in the community. The decision of the council of elders was final and, in some cases, it was sanctioned by the court in order to give it credibility, legitimacy and recognition by the public.

The role of elders is integrated with other formal systems of management of land use conflicts in the county. One of the assistant county commissioners stated that

Land use conflicts in her area of jurisdiction in West Pokot County starts from the grassroots. The village elders and neighbors attempt to manage it. If they are unable to manage the conflict, they forward the issue to the subchief at sublocation level. If the subchiefs are unable to solve it or parties in a conflict are dissatisfied, they can forward to chiefs at location levels. The chief forward the issue to the assistant county commissioner. The issue may be further moved to the board for deliberation. The land use conflicts may move to Environment and Land Court if it is unresolved, but if there are documentations for the land such as title deed made (Respondent, West Pokot County, 2018).

Although the management of most land use conflicts starts from grassroots and move to county levels and even courts, some cases start from courts and moves to the grassroot. Sometime courts can recommend that some

cases should be forwarded to the elders for deliberation and then the decision of the elders should be taken back to the court for confirmation and enforcement.

An official in the Ministry of Land and Physical Planning in West Pokot County observed that the government did not fast-track the adjudication and registration of land in West Pokot County. On the other hand, the community has not moved fast to demarcate, register and get title deeds for their land. Today land is subdivided to a point where it is difficult to establish the boundaries, which is a cause of land use conflicts in the county. The ministry of land was planning to establish land boards in South Pokot and Central Pokot Subcounties. Members of the board will include elders who will be trained on subdivision and selling of land, control selling, use of land and management of conflicts. The elders were expected to assist in protecting family property and allow women to register land on their names. The elders were expected to use tradition methods to manage land use conflicts in the subcounties.

A respondent was very critical of the alternative dispute resolution mechanisms in West Pokot County. The respondent observed that

The alternative dispute resolutions are mechanisms that are different from legal system. The constitution made the ADR formal but there was need to harmonize the legal and the ADR mechanisms. The ADR should be independent, neutral and with power to deal with land issues. For example, Ghana had established the ADR comprising the retired local chiefs, retired politician, retired generals of army and other professionals. ADR are expected to be independent voices that bring people together when they have conflicts. However, in West Pokot County the ADR have not been implemented. Even the National Land Commission which was tasked by the constitution to encourage the application of traditional dispute resolution mechanisms in land conflicts has been curtailed from establishing the County Land Management Boards (CLMBs) (Respondent, West Pokot County, 2018).

The respondent felt that the ADR has not been fully established and it was not performing to its optimal levels in the county. The system ought to be guided by the principles of expedition, proportionality, equality of opportunity, fairness of process, party autonomy, cost-effectiveness, party satisfaction and effectiveness of remedies. The implementation of these principles should ensure that everyone has access to justice and conflicts are resolved expeditiously. Unfortunately, the system has encountered more hurdles which has made it hard for the ADR to operate optimally (Muigua, 2015). Only the traditional dispute resolution mechanisms was operating but not in any systematic way. The county government has not decentralized its serve to village levels. It has not established the offices of village elders at the grassroots. The national government has elders working with chiefs and subchiefs but those elders are not fully enumerated for their services. They depend on some handouts given by those who bring cases to them. Some of those payment may blind their decisions on the conflicts.

4.1 Effectiveness of the Conflict Management Mechanisms in West Pokot County

This section sought to underscore the effectiveness of the conflict management mechanisms established to manage land use conflicts in West Pokot County. The results on the distribution of perceptions of household respondents is shown in Figure 1.2.

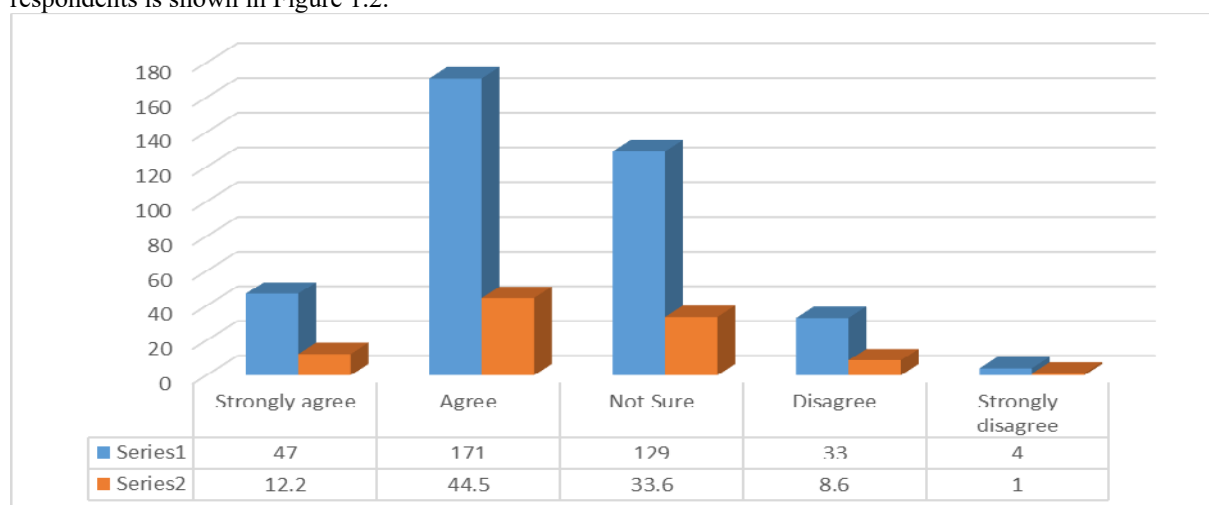


Figure 1.2: Perceptions of Household Head Respondents on the Effectiveness of the Conflict Management Mechanisms in West Pokot County

Source: Field Data, (2018).

The results in Figure 1.2 shows that 171 (44.5%) of household respondents agreed that conflict management mechanisms were effective in managing land use conflicts in West Pokot County. However, 129 (33.6%) of

household heads were 'not sure' whether the conflict management mechanisms were effective in managing land use conflicts. Only 47 (12.2%) of household heads strongly agreed that the conflict management mechanisms established in the devolved system of governance were effective in managing land use conflicts in West Pokot County. But 8.6% (33) of household heads respondents disagreed and 4 (1%) strongly disagreed that conflict management mechanisms in the devolved system of governance were effective in managing land use conflicts in West Pokot County. The results shows that majority of household head respondents (44.5% agreed and 12.2% strongly agreed) indicates that the conflict management mechanisms in West Pokot County were effective in managing land use conflicts in West Pokot County. However, it was noted that a significant number of household head respondents (34%) were 'not sure' whether the conflict management mechanisms were effective in managing land use conflicts in West Pokot County. The high number of respondents who indicated that they were 'not sure' whether the conflict management mechanisms were managing land use conflicts could be attributed to the violent conflicts which occurred along the West Pokot County and Elgeyo/Marakwet County borders during data collection period. The ineffectiveness was also attributed to lack of complete implementation of the conflict management mechanisms established at the grassroots to manage land use conflicts after the operationalization of the devolved system of governance. The high levels of poverty and illiteracy at the county may have also contributed to most household head respondents not being sure whether the conflict management mechanisms were effectively managing land use conflicts in West Pokot County.

The government established the conflict management mechanisms in West Pokot County to transform land use conflicts from the grassroots to national level. A government respondent noted that

the management of the land use conflicts starts at the grassroot. The village elders and neighbors attempt to manage land use conflicts at family, clan and village levels. If they are unable to manage the conflicts, they forward them to the subchief who deal with it at his/her level of sublocation. Those dissatisfied with the decision at sublocation level could appeal at location level to the chief under the Ministry of Interior and Coordination of National Government. The chief may forward the issue to the assistant county commissioner for further deliberation and resolution. The issue may be moved further to the land board for discussion and possible actions. The case may be forwarded to Environment and Land Courts if the parties are not happy with the outcomes (Respondent, West Pokot County, 2018).

Another government officer respondent stated that the conflict management mechanisms were established from grassroots to national levels and vice versa. The respondent said that

The conflict management mechanism work in both directions. There are land use conflicts which starts from the grassroots (village elders but moves up to the courts) but sometime courts can recommend that some cases should be resolved outside the courts. The elders are requested to deliberate the case and then forward their decision to the courts for adoption and formal enforcement (Respondent, West Pokot County, 2018).

According to a respondent in the Ministry of Land and Physical Planning, most land in West Pokot County was neither demarcated nor registered. Lack of clear demarcation or documentation of land had subjected residents to violent conflicts as a means of solving land use conflicts. Other households opted for traditional dispute resolutions to manage land use conflicts because some of their cases could not merit use of court process. One of the respondents said that

The Ministry of Land was planning to establish Land Boards in South and Central Subcounties in West Pokot County. The Board Members were expected to be trained in subdivision and selling of land, control selling and use of land in their areas. The board was going to use negotiation and mediation to manage land disputes by protecting family property and allowing women to register land in their names. The registration of land was expected to assist the community to use all established mechanisms to manage land use conflicts in the county (Respondents in West Pokot County, 2018).

The issuance of title deeds to the people of West Pokot County was expected to reduce conflicts and enable residents to use their title deeds as collaterals in taking loans and developing their land. It was also argued that it will build trust among investors who were willing to engage community on a fair platform when establishing firms in the county.

Although the national and county governments had established the conflict management mechanisms and administrative structures to manage land use conflicts from the grassroot levels to national levels, some respondents felt that some of the measures put in place had fail in other counties and it was not guaranteed that they were going to succeed in West Pokot County. For instance, a respondent pointed out that

The issue of massive transfer of community land to individual members was not suitable for pastoralists economic activities. The subdivision of community land was likely to reduce the size of land for nomadic activities and transfer community resources to individual who may not be able to protect and sustainably use it productively. The subdivision of community land will reduce space for pastoralists animals and it was unviable just as it failed in Kajiado county and other counties across the country. The poor pastoralists will sell their land at a lower price and they will become poorer than

they are and violent conflicts will increase in the county. The measures may not improve management of land use conflicts in the county (Respondent, West Pokot County, 2018).

The results from interviews concurred with the results from household respondents that the conflict management mechanisms established in the devolved system of government reduced violent conflicts for land use in some parts of West Pokot County. One of the respondents indicated that violent land use conflicts along the border of West Pokot County and Uganda had reduced. On the other side, the land use conflicts along the border of West Pokot and Turkana and Elgeyo/Marakwet Counties were still active. However, an officer from the Directorate of Conflict Management in the County Government of West Pokot County said that their office under the leadership of the county governor had initiated programmes to address the violent conflicts along West Pokot and Turkana County. The conflicts along Turkwel was under management under the guidance of the West Pokot and Turkana County Governors. However, violent conflicts over land use between West Pokot and Elgeyo/Marakwet borders was still recurring. In fact, some people lost their lives and property destroyed through violent conflicts on both sides of the counties during the time of data collection for this study. The researcher and research assistants were prohibited by the office of the county commissioner from visiting those areas for data collection because of tension and violent conflicts in Chesogon and other parts of the county.

The intracounty land use conflicts were significantly managed by the national and county governments. However, there was need for expediting the implementation of the conflict management mechanisms from the national level to the county level. For instance, the Environment and Land Court should be established at the county level instead of the regional level (Trans-Nzoia County), the alternative dispute resolution should be established at the county level and other mechanisms should be upgraded to enable them function effectively at the county level to enable the citizens to access services effectively and at grassroot. Thus, the conflict management mechanisms were not effective in management of land use conflicts in West Pokot County. Conflicts were being experienced in some parts of the county and in some cases the conflict management mechanisms had not been established there.

4.2 Household Heads Access to the Conflict Management Mechanisms in West Pokot County

This section sought to explore the accessibility of household heads to conflict management mechanisms in West Pokot County. The results of the distribution of household head respondents is illustrated in Figure 1.3.

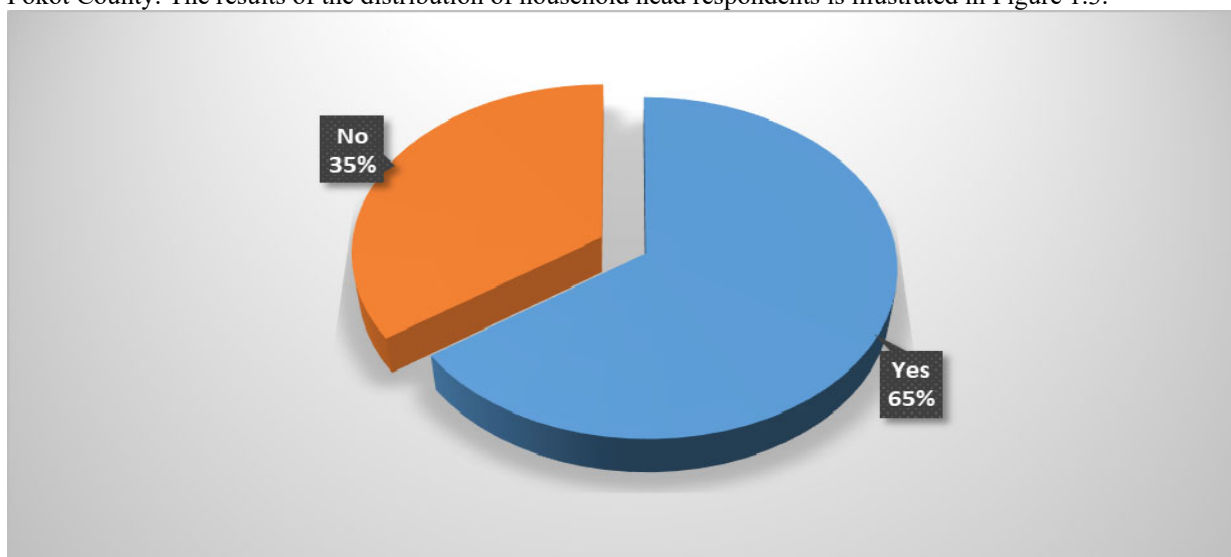


Figure 1.3: Accessibility of Households to the Conflict Management Mechanisms in West Pokot County
Source: The Field Data, (2018).

Figure 1.3 indicated that 249 (65%) of respondents had access to conflict management mechanisms established in the devolved system of governance in West Pokot County. However, 135 (35%) indicated that household heads had no access to the conflict management mechanisms established in the devolved government in West Pokot County. The majority of household head respondents indicated that they had access to the conflict management mechanisms established in the West Pokot County.

It emerged from focused group discussions that the households had access to conflict management mechanisms in West Pokot County. The respondents said that

The elders in West Pokot County had established the councils of elders from the village, sublocation, location, ward, subcounty to county levels. Each level of council of elders was composed of nine representatives. The nine representatives from nine villages formed the sublocation council, the representatives from nine sublocation formed the location council to ward, subcounty and county. The

council of elders at each level had a chair and a secretary. The role of the council of elders was to distribute land resources to members of a family, write agreements for sellers and buyers of land (the seller was expected to have agreed with family members and with genuine reasons for selling land like school fee), solving family and land disputes in the villages. The council at location level had used negotiations and mediations to resolve many conflicts related to land. However, the unresolved disputes were forwarded to the chief or assistant county commissioner for further negotiations and mediation (West Pokot County, 2018).

The national government has elaborate structure from the village to the county level where household could access or seek services with regard to land use conflicts. The respondent indicated that

The Ministry of Interior and Coordination of National Government had offices from the village to county levels where all residents were accessing services including land disputes. The offices were managing land dispute from the village elders, sublocation, location and division. Each office was expected to forward the dispute to the next level if it was unable to manage it. Some disputes which were not managed by the assistant county commission were moved to land board for deliberation or the Environment and Land Court. However, those who were not satisfied with the decision of any level was allowed to appeal to the next level (Respondent, West Pokot, 2018).

A respondent also reported that in some cases the court could advise the parties in a case to seek arbitration from elders. In such situation, both the council of elders and the offices of the county commissioner provided the necessary services to the parties and their decision was confirmed by the court if the parties agreed with it.

In spite of mutual working relationship between the office of the county commissioner, council of elders and residents in most areas in the county, the researcher observed challenges in Tapach Division where land conflicts had broken into violent. The assistant county commissioner indicated that

Some criminals in Tapach division had attacked his convey as he reported to his office. During data collection, a respondent indicated that the sub chief and chiefs in Tapach division were affected by constant threats to their lives. The assistant county commissioner was unable to deliver effective services to the residents because of attacks to his officers. (Respondent, West Pokot County, 2018).

In spite of the threat to the staff, the office of the county commission continued to offer services to residents. This was one of the divisions which benefited from massive issuance of the title deeds by government yet land use conflicts were escalating. This means that, the residents were access services from the devolved government but under difficult circumstances.

The findings indicated that the households were accessing most of the conflict management mechanisms established at the county level to manage the land conflicts. Some of the mechanisms included the judicial courts, county commissioner's offices and the council of elders. The findings also indicate that there was mutual cooperation among the different offices which led to effective management of land use conflicts in the county. However, the county government had not established the county government village elder's office as indicated in the County Government Act of 2012.

5. Conclusion

The conflict management mechanisms in West Pokot County were established to manage land use conflicts. However, they have not been completely implemented in the county. Lack of full implementation of the conflict management mechanisms have compromised their effectiveness in managing land use conflicts in the county. For instance, the establishment of the Environment and Land court was perceived as a panacea of preventing backlog of land cases yet the court has not been established in the county. The ADR mechanisms were also proposed as a way of managing land use conflicts yet only traditional dispute resolution mechanism seemed to be working from the county to village levels. The other important mechanisms are either at national, regional or at the headquarters of the county and many households may not be able to access them. Thus, conflict management mechanisms are ineffective in management of land use conflicts in the West Pokot County because of the above reasons. The mechanisms may become effective when they are completely implemented.

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