

Counseling as an Intervention to Resolving the Effects of Land Disputes: A Case Study of Tirap Division, Marakwet District, Kenya

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Abstract

This paper focused on counseling as an alternative in resolving the effects of land disputes in Tirap division Marakwet District Kenya. Data was collected by use of literature review and questionnaire. The research found out that contrary to the popular believe that people in Tirap do not know much about counseling it has been observed that an overwhelming majority (70%) preferred counseling as an alternative to resolving the effects of land disputes. Though services from governmental organizations are not widely available, most service providers are particularly world vision and the Catholic Church with 71% of the respondents having received counseling from these organizations. It has also been noted that 71% of those who received counseling reported to have coped better. The researcher therefore recommends that more counseling services needs to be started in this locality to supplement the already existing. In addition, there is a need for more psycho-social approach to land disputes in Tirap in particular and Kenya in general. Government should train and hire more psychological counselors to assist both the victims and villains to overcome the effects of the dispute. More research on counseling as an alternative to solve land disputes should be carried out based on this study. Further research on the relationship between land, population growth and disputes should be carried out nationwide.

Key Words: Counseling, Land Disputes, Emotional Distress, Historical Injustices

INTRODUCTION

Land disputes in Marakwet district have been a major problem since or before independence (Eaton, 2008). There has been no change regardless of the tireless efforts of the stakeholders to try and solve these problems. These land disputes have led to loss of life, property and serious damage to innocent lives especially women and children.

Families have been broken, children orphaned and even women widowed during these endless disputes or wars among communities living in Tirap division. Land among Marakwet has got strong cultural importance and that is why each and every community attaches strongly to land (Oyugi, 2002). These land disputes come up as a result of land acquisition, which is also attributed to economic status dominance. The

process of acquiring land with the hopes of gaining economic rise is what sparks these land disputes (Médard, 2010).

Farming and grazing land is also another element that is causing these disputes. As the population grows, the demand for food also increases and thus need for more space for cultivation and settlement. Unemployment is also another key factor that promotes these land disputes since many have opted into farming and the space is minimal thus force and eviction to take course with the hope of getting farming space after which resistance which will result into disputes and clashes between the clans bordering one another (Adams, Watson & Mutiso, 1997).

Changes in cultural norms and values can also be attributed to these disputes since societal norms and values have been ignored under which the society has no law that used to run the community as a whole (Pkalya *et al.*, 2004). The mode of acquisition of land in the modern society has changed unlike in the past when land was acquired with strong cultural attachments despite the value. But today culture is a thing of the past and land is seen as wealth not on cultural basis (Oyugi, 2002).

Land disputes menace in Africa is not a recent phenomenon (Dolan, 2001). In Zimbabwe, land disputes have taken root between the Colonies and the natives since 1965. The Zimbabwe people were forced to unproductive land while the colonies settled on the productive land until 1990s (Chitiyo, 2000). When land reforms were put in place, much of the productive land was under a few elites while the non-elites served as laborers. This led to political tension until the year 2000 when Mugabe came up with land reform that was later seen as unconstitutional. It was not until November 2000 when resettlement of farmers took place. Among the Israelites and Palestinians they have engaged in endless land disputes for a decade of years and hopes of peace are minimal even religious reconciliation has failed to stop this and it is all because of land (Marongwe, 2004).

In Kenya, it is not only in Marakwet district where land disputes have been realized (Wily, 2000). During the year 1992 many lives were lost in Timboroa, Molo and Burnt Forest due to land disputes among the Kalenjins and Kikuyu tribe living there (Samuel, 2012). There was also cross cultural conflicts which were seen to spark these disputes even further. The attachment of Kalenjins to land has more of cultural value than economic which is the vice versa to Kikuyus. The shifting on land importance is what has brought all the problems. There have also been such cases across the country. In Marsabit, Likoni 1992, Mai Mahiu 2005 and Mwisho farm in KitalePokot (Kenya Human Rights Commission, 2009).

The 13th August 2004 killing of ten people in less than ten minutes painted an ugly picture in Tirap division when two clans entered into direct confrontation. It captured the attention of all stakeholders across the country and international organizations (Rao, 2006). It was for this reason that a study was proposed to look at the current scenario, the real factors that are behind the disputes and also to investigate more efficient way of working with the greater number of essentially normal people who find that life has lost its savory, who quietly struggle along with their problems who pay great cost in extra energy for their achievement and who have tremendous

potential for responding to assistance. Some suffered from temporary inability to cope with the situation, also women whose husbands have been killed in the disputes have not been able to remodel their lives after the death. Others are severely incapacitated (as the students) who are unable to go ahead with their plans to be better people because of intense anxiety. All these are the shared favorable characteristics that "bring the discrepancy and the aspirations that people actually seek help.

This study aimed to explore counseling as an intervention to the effects of land dispute in Tirap Division of Marakwet district, Kenya. Since attempts in the past to resolve these effects of land disputes had failed, the study hoped to give long term resolutions to effects of land disputes.

It was also aimed at sustaining the little already realized peace in Tirap division. The research was also aimed to address on how individuals can be taught alternative way of solving disputes and not necessarily violence. This at the end of the day can make the community to be in a position to forget the past experiences and alternatively forgive. Apart from partial fulfillment of my academic target, the research was aimed at enlightening, sharpening knowledge and skills on doing research work and formulation of policies in future dispute mitigation and conflict management.

Theoretical Background

The study was based on Rational Emotive Behavioral Theory (REBT) of Albert Ellis (Ellis *et al.*, 1988) and Egan's Eclectic development model by Egan (Stum, 1982). This theory developed by Ellis *et al.* (1988) focuses on the thoughts, emotions and behaviors of individuals. He asserts that people are happier and more productive when they are thinking and behaving rationally. He further stresses the value of learning to be tolerant of one self and others. Such cognitions (thinking) emotions and behaviors interact significantly and reciprocate cause and affect relationship. He postulates that individuals emotions stem from his or her believes evaluations, interpretations and reactions to life situation. Through counseling individuals learn how to differentiate ineffective or irrational ways of thinking and effective or rational thinking thus change the emotional reactions to situations.

This means that land dispute are as a result of ineffective or irrational ways of thinking, emotions and behaviours that interact, cause and affect relationships. Counseling interventions are the only ways to change the emotional reactions and enable people to live in harmony and have productive living.

Stum (1982) in his model asserts that, individuals develop skills as they grow through various stages in life. Learning of interpersonal skill is the foundation on which good living is built. Behaviour depends on the skills acquired at each stage of development. People influence each other and facilitate skill development, in this case the natives of Tirap division engage in land dispute because according to Egan (1982) human beings behave the way they behave because they lack the necessary skills. These skills are learned in the process of life from childhood to adulthood. Stum (1982) further asserts that each stage in human being has skills and task to be accomplished. Some behaviors like land disputes in Tirap develop because the people lacks knowledge,

deficiency in various stages that are carried forward. This is true because the native in Tirap division are unable to relate well with others and change their behaviors that are distractive to self and others. This makes the natives of Tirap division to become victims of societies suffering such as poverty and disputes. They are caught up in a system they cannot change and they feel helpless, powerless and alienated.

MATERIALS AND METHODS

The study was carried out in Tirap division, Marakwet district which borders West Pokot to the North, Transzoia to Northeast, Uasin Gishu to the East, Keiyo to the South and Baringo to the West. It falls under the geographical zone namely the highland plateau, the Eigeoyo Marakwet escarpment and Kerio valley. Subsistence agriculture and animal husbandry are the main activities. Bee keeping is moderately undertaken in the whole district. The study focused on five locations in Tirap Division where constant land disputes have been reported in the media in the recent past (Daily Nation August 14, 2004). The region also falls under the semi-arid area which according to republic of Kenya (1999) they have few resources that has been able to be tapped. The locations are; Koibatek, Sambirir, Kipkaner, Embolot and Embobot.

Descriptive survey design was used to elicit information because it sought to establish an insight in the existing phenomenon of land disputes. It involved collection of data from members of the population in order to answer questions concerning the current status of the effects of land disputes in the area.

The population of the researcher consisted of natives of Markwet district, Chiefs and District Officers living in Markwet District. The Markwet District served as the researchers target population, this was an absolute population the researcher used to generate results. It was large and scattered over a wide geographical area. Tirap division was chosen through deliberate sampling on non-probability sampling to represent the population of all the natives in Markwet District to determine the researcher's accessible population. Tirap Division has five locations with an average population of 30,000 people.

Each of the five locations was given an equal chance in order to arrive at a representative sample. The study adopted Tackman's (1988) recommendations in conducting educational research. He asserts that a sample size of 25% (a quarter of the population) and over is representative and adequate enough for collecting reliable and valid information free from bias provided that consideration is made on district characteristics of the population.

To ascertain counseling as an intervention in resolving the effect of land dispute resolution in Tirap division of Marakwet district, five sub-locations out of the 15 were sampled using random sampling technique. To ensure uniformity, the researcher sampled one sub-location in each location. For greater representation, a 25% of sample size of the accessible population was used. The sample was obtained through stratified sampling for each of the three strata namely: - Natives, Chiefs, and District Officer in Tirap Division. This sampling provided 179 natives and one district officer, five chiefs and fifteen-sub-chiefs leading to total 200 respondents. The respondent

from each stratum was obtained through random sampling techniques. Overly the study employed stratified random sampling techniques.

The researcher visited all the locations sampled to make arrangement with the chief on the most appropriate time to administer the instruments. Also participatory rural appraisal (PRA) was used to collect data. The study utilized questionnaire and interviews to obtain data.

The researcher administered one questionnaire designed for the residents and the leaders because they were straight forward and less time consuming. They were used to find out the effects of the land disputes that the community has been facing and the ways they have employed over time to solve them. Research questions such as problems the community have been facing and how they cope. The questionnaire also contained questions that required respondents and leaders to suggest ways of improving the land dispute scenario in future. It contained both open and closed ended questions. The open ended items were used to allow the respondents to record his/her response in full without being restricted to preconceived answers. The respondent also gave their experiences and suggestions fully.

The research instruments were pretested to ensure accuracy. Their reliability was also checked to ensure internal consistency. A reliability coefficient of 0.7 and above of the test was accepted.

The findings were analyzed using descriptive qualifications statistics such as frequencies, percentages and graphical representation to describe, summarize and present data (Lathrop, 1969). The measures of control tendency were used to determine the typical or expected scope or measure from a sample of measurement or a group or scores in a study. Those tendencies were divided into three which are the mode, mean and median.

In general most evaluations conducted by this study lead direct to the descriptive analysis of data. The data analysis was done using percentages, tables, bar graphs. Pie charts etcThe score were tabulated under various data collection instruments while discussions of the resource were based on research objectives.

DATA ANALYSIS AND DISCUSSION OF RESULTS

Gender of the Respondents

The data revealed that majority of the respondent were Men about 65% compared to women who constituted 35% (figure 1). This reveals the cultural aspect to land ownership among the Marakwets where land is absolutely owned by men while women benefit from it by farming to provide food to the family. This percentage also reveals a strange occurrence in the ugly massacre of 10 people in August 13, 2004 (Sunday Standard August 15th 2004) which found one elderly woman dead amongst village elders (popularly known as Asis) who came from different village to arbitrate a land dispute between two clans.

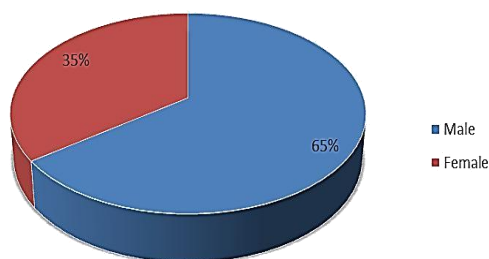


Figure 1. Gender of the Respondents

Age Bracket and Marital Status of the Respondents

The results showed that most respondents were aged between 26-35 years indicating that this is the productive age group (figure 2). They are faced with several demands and obligations such as food, clothing and shelter and school fees. The findings showed that majority of the respondent were married (82%) and therefore they undergo the same household obligations and they undergo a certain degree of stress when disputes occur. Due to the short life span of people of Marakwet, the age group 36-45 makes a good percentage of the elders and the opinion leaders

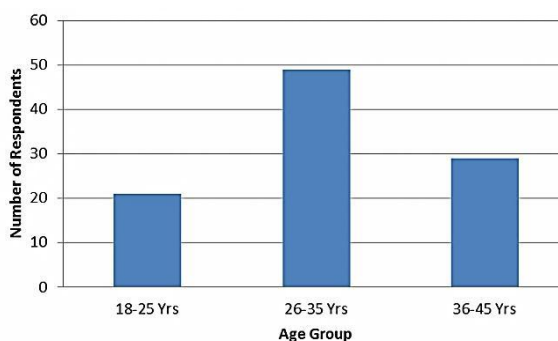


Figure 2. Age Bracket of the Respondents

Occupants per Household and Land Owned in Hectares

The findings revealed that majority of the families (58%) were feeding 6-10 occupants in their household from a small piece of land between 0-2 hectares which they own. Agriculture is the mainstay of the people in Tirap division. There is obviously a lot of pressure in land usage in this locality since the average occupants per household is 7. Therefore this population outburst is likely to cause disputes among the clans. This signifies that already the people were physiologically stressed up and a land dispute was imminent due to the scarcity of land resources.

The average land owned by a respondent was 2.87 hectares and due to land over usage there was likelihood of declining land productivity. This would result to reduced food production, hence demand for more land.

Number of People Affected by Land Dispute and Nature of the Loss

The results showed that 70% of the respondents were affected by the land disputes and majority of those affected lost their property through destruction and theft of livestock. Although, there was a group who suffered psychologically from what happened during the dispute they could not be quantified.

Table 1. Effects of land disputes

| Effect | Number of respondent |
|--------------------------|----------------------|
| Disabled | 20 |
| Lost land | 15 |
| Death | 14 |
| Termination of education | 24 |
| Destruction of property | 60 |

Number of People who have participated in Disputes Resolution and their Resulting Feelings from the Disputes

From the results, there seems to be a high level of participation by the respondents in dispute resolution, 21% who have not participated need to be encouraged to participate as this will promote peaceful coexistence of the community.

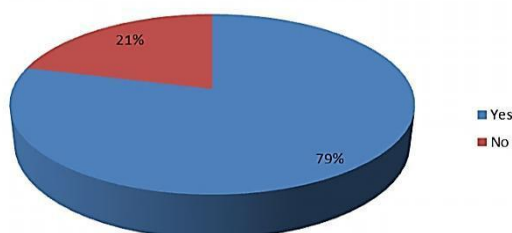


Figure 3. Participants in land disputes

Coping Strategy to Enhance Emotion Stability during Heightened Land Dispute Period

When asked for the most effective way to enhance their emotional stability during land disputes 38% of the respondent said its prayer, 25% said self-control, 45% said family support, and 12% relied on humanitarian services offered by the government. Family support is the most predominant and available coping strategy. 45% of the respondents identified this as the most preferred option of coping.

This signifies that family structure is still intact. Therefore family therapy should be carried out to equip them with life skills that can help in such periods. Government help seems to be minimal and far in between. Spiritual centers should also be erected

to offer suitable praying centers for the 38% of the community who derive emotional support from prayer.

Causes of Land Disputes

The results indicated that the major causes of land disputes in the study area are:

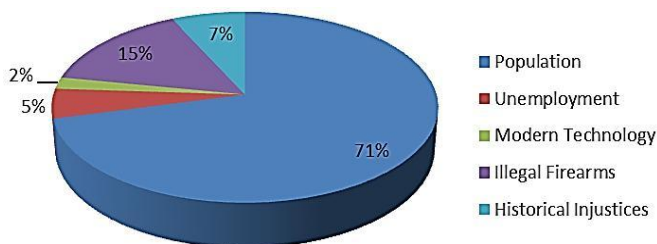


Figure 4. Causes of land disputes

Population. An outburst of populace in Kenya particularly in Rift valley has put pressure on land both for farming and housing (Kanyinga, 2009). There is disparity in farming between the traditional inhabitants who are mainly cattle farmers and relatively upcoming commercial crop farmers. Among crop farmers themselves there is competition for land between large scale farmers and subsistence farmers (Boone, 2012).

Unemployment. The population outburst not matched well with economic growth since independence resulted into skilled youth who are either unemployed or underemployed (Ajulu, 2002). This unemployment and unequal distribution of resources leads to discontent among the youth who view some clans as the cause of their economic woes (Oyugi, 2002).

This irrationality can be countered using counseling approaches such as rational emotive behavioral therapy (REBT)." Using Egan's model the youths may be given other skills which may redirect their energies to constructive ways of earning a living.

Modern Technology. People particularly youth imitate whatever they get and see in the mass media. Youth in one area resort to violence when they hear of news of violence in other parts of the country (Anderson & Lochery, 2008). Media is a good channel of communicating incitement which makes the youth who are emotionally volatile erupt into violence.

Illegal Firearms. Firearms create false courage in youth which results into them being very destructive and makes negotiation impossible (Mkutu, 2007).

Historical Injustices. There were complaints of irregular allocation of ancestral land of some clans by the local administration perceived as pro the local administration of council of elders (Médard, 2010). This may be real or perceived but it was a cause of hostility between different clans living in Tirap division. The acquisition of land through buying was also perceived by respondent as a cause because the value was

not commensurate to the size of land. A case example is where a grasshopper was exchanged with six hectares of land to feed a family. Such valuing system is not captured anywhere in any data of land related issues but it was within valuing system of the inhabitant as revealed by the respondent.

Effects and Implications of Land Disputes

The effects of land disputes were strongly centered on damage to property which had a direct economic implication to the income per capita of the people living in Tirap Division. Death was one of the effects of land disputes with a response of 59%; it revealed that the community was psychologically wounded meaning that the people were not free to do what they wanted to do thus affecting other parts of development. When expressing the loss of life of their loved ones, individuals undergo a lot of psychological distress and feeling of hatred anger and loneliness will be deep seated in the emotions of the people for long.

Displacement which carried 32% has social implication in the sense that those who flee away are subjected into harsh conditions and become victims of all kinds of ill because they are under the mercies of the well-wishers. They can easily be subjects of manipulation. Many of the respondents highlighted the aspect of separation of families who again become casualties of rape defilement and prostitution due to their breakdown of the moral fabric, contraction of HIV/AIDS is a long term implication between infected and affected.

Xenophobia, ethno phobia and clan phobia amongst the youth and young children will go a- long way in their memory which inhibit inter clan relationship thus resulting to poor growth and development. Culture of insecurity (fear of strangers) will make many of the people to be suspicious thus inhibits their potential of adventure ending up resorting to local activities which are scarce hence disputes

Respondents Responses to the Effects of Disputes

Majority of the respondents (70%) preferred counseling as a response to the effects of land disputes. This indicates that it is the culture of all people to seek help. Counseling as a helping profession is deep in our society only that it is not structured to provide a framework to handle such disputes. The remaining 30% preferred prayer and dialogues as plausible ways to deal with the effects.

Individuals who respond by revenging would like to let off steam which may lead to a cycle of violence, their energy should be utilized in seeking counseling services and respond in constructive ways. Despair and helplessness are at a close range, this shows individuals who seem to have given up on life and need encouragement. In this case group therapy is appropriate.

Respondent's Opinions to Possible Solutions to Land Disputes

There were diverse opinions about the possible solutions of land disputes. The following were registered by most of the respondents.

- i. Government should enforce strict issuance of title deeds to bonafide owners of land.
- ii. Land officials should console the local communities before deciding on any allocation of piece of land either to an individual or any public institution.
- iii. Communities should be encouraged to diversify their sources of livelihood and reduce over-reliance on crop agriculture The African culture of land ownership as prestige should be looked at critically, because with population growth and the statistic nature of land, not all Kenyans will own land.

Attempts made by Various Stakeholders in Solving the Disputes

With majority of the respondent accepting that attempts have been made to resolve the effect of land disputes 68%, identified local elders as the most preferred stakeholder in resolving the effects of land disputes. This shows that elders have been in the forefront in resolving these disputes. From the study it shows that NGO had not been active participants.

Despite the elders participation it was shown that they had not been effective because most traditional structure had faded away and also their skills were not sufficient to handle such a high armed dispute. Government participation was there as shown by the study to be ranking second with 34% but less had been realized despite the deployed security.

The Strategies of Resolving the Effects of Disputes, Progress and Indicators of Progress

Overwhelming majority 73% of the respondents preferred reconciliation which obviously was only possible in environment where parties spoke the truth. Reconciliation effort by elders (inter clan) counseling by NGO's eg Catholic, Peace and justice and World version through women groups. This seemed to have been effective because women closer to land by farming therefore can reconcile worrying factions.

Dividing the land which represented 26% of the respondents was a strategy which only worked where parties had equal claim and ancestral linkage. This was a strategy which saved a situation where parties were not sure of the true owner.

Compensation which represented 9% of the respondent did not resolve the effects of the dispute especially where there was loss of a treasured possession especially life of a loved one. Any monetary compensation or even material did not replace life because life has no monetary value. Even if staggering amount of funds were committed, the memory of the dispute could not be erased especially where loss of life was involved.

Requirements of Counseling by Survivors and the Therapeutic Intervention Needed

Majority of the respondents preferred counseling and viewed it as an effective method of intervention while 6% said they did not require, only 5% of the respondents had no

idea about the requirement of counseling. The research finding revealed that most of the respondents required psychological counseling. This shows that the people require general services of counseling. On specific areas of therapeutic intervention, counselling was preferred by most of the respondents during loss and grief.

Going with the data 23% of the respondents favored family counseling and 2% mentioned child therapy. Others, 7%, of the respondent raised various intervention mostly the traditional council of elders and catholic peace and justice meetings.

Respondents Response of those who have received Counseling, its Usefulness and Comparison of the Counseled against the Un-Counseled

Counseling services were available to the people of Tirap. These were offered by NGO's (World vision & Catholic Peace and Justice) and elders who were trained by the same groups. This was easily taken up because some kind of counseling had existed among the inhabitants of Tirap. Though it had not been modernized and viewed as counseling, it had actually worked. Its approaches have not been recorded in literature; however, availability of the service needs to be intensified to reach the whole population.

Contrary to widely held view that many Kenyans don't know much about counseling and its usefulness a good number (67%) of respondents viewed counseling as an important coping mechanism. In the comparison of the individuals who had been counseled and those who had not, an overwhelming majority of the respondents revealed that individuals who had been counseled developed better coping mechanisms.

In giving their general overview, the respondents strongly believed that:

- i) Too much pressure on land due to declining productivity and population explosion was causing disputes over the areas viewed as highly agriculturally potential.
- ii) Corruption amongst the council of elders due to personal interests had perpetuated some of the historical injustices.
- iii) Due to high unemployment rate youths had developed too much attachment to land.
- iv) There was a breakdown of the traditional systems of conflict resolution and dispute settlement, which had not been replaced by any effective approach from the government in view of what they thought at personal level.

CONCLUSION AND RECOMMENDATIONS

The context at which all disputes need to be understood is that disputes have a memory. This memory is carried by those who experienced the dispute and took part in it. As long as people live, the dispute and its effects will never die or fade away. It is passed from one generation to the other. The use of administrative mechanisms to settle the disputes has left citizens deeply wounded.

Though people lost their loved ones and treasured possessions, no one had ever bothered to address their damaged emotions. Feelings of vengeance were repressed by the administrative force and any opportunity that came their way was a welcomed move. Therefore, all along the inhabitants of the area of study had been receiving remedial strategies for an external peace but the inner peace had not been attained. It is therefore wise to involve counseling as an alternative to address such effects because it touches on the conscience of the people and makes them aware of the inner resources which in turn enables them to respond positively to such disputes.

There is need for more psycho-social approach to land disputes in Tirap in particular and Kenya in general. The government should train and hire more psychological counselors to assist both the victims and villains to overcome the effects of the dispute.

More research on counseling as an alternative to solve land disputes should be carried out based on this study. Further research on the relationship between land, population growth and disputes should be carried out nationwide.

Government should look into over-reliance on agriculture, encourage diversification, reclaim waste and arid lands and research in crops that can do well in arid lands to reduce pressure on rapidly declining arable land.

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