

CHALLENGES FACING TRADITIONAL POWER STRUCTURES IN RESOLVING PROPERTY INHERITANCE CONFLICTS IN MERU COUNTY, KENYA

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Abstract

In Africa, traditional power structures are used alongside conventional justice system in many countries to resolve conflict related to property inheritance. These are the respective customary decision making organs in the society whose authority is believed to originate from the ancestors and was believed to be divine. Therefore, their decisions cannot be questioned or altered. The study assessed the challenges facing the traditional power structures in resolving property inheritance conflicts in Meru County, Kenya. This study employed a descriptive survey research design to gain insight into the challenges facing traditional power structures in resolving property inheritance conflicts in Meru County, Kenya. Qualitative and quantitative data was collected. The sample size included all the 54 Njuri Ncheke committee members consisting of the chairperson, the secretary and the treasurer from all the 18 Njuri Ncheke Centres in Tigania East, 180 elders and 42 heads of households whose inheritance conflict cases were resolved by Njuri Ncheke. Data was collected using in-depth and key informant interviews, Focus Group Discussions (FGDs), and direct observation. Data gathered from the study was coded and analyzed according to themes emerging from the narratives. The study revealed that the challenges facing Njuri Ncheke as an institution resolving inheritance related conflicts in Tigania East included, either of the parties being compromised, or of patriarchal cultural influence on the part of the council, other challenges included lack of awareness on changes in the law, and inadequate use of technology. The study recommended public education to the residents about what Njuri Ncheke as a traditional institution stands for and why it is structured as it is by including it in the education curriculum for all schools in the areas served by Njuri Ncheke. This will enhance understanding and appreciation of the functions of this traditional institution.

Key terms: Patriarchy, Property inheritance, Power structure, Tradition

Introduction

In Africa, traditional power structures are used alongside conventional justice system in many countries to resolve conflict related to property inheritance. Richardson (2004) and Lastarria-

Cornhiel (2000) argues that some states that are members of the UN allow duality of systems that deal with property inheritance. These scholars argue that the constitutions of some member countries have legal provisions that forbid discrimination based on sex and in many of them women and men are guaranteed equal rights and protection under the law. At the same time, these same countries allow traditional power structures to continue their operations on oversight and conflict resolution over property inheritance. According to Lastarria (2000), these traditional power structures often cause conflicts on matters relating to property inheritance especially when they become biased in their allocation of property inheritance to different siblings (Lastarria-Cornhiel, 2000). According to Mutembei (2014), discrimination against women in matters of inheritance in Meru community has led to conflicts among members of the families who feel they have not been allocated their rightful properties. These problems result from the fact that property inheritance rights, under customary law, differ from what is provided for in the national law of succession. According to the Law Society of Kenya (2010), culture and tradition continue to support male inheritance of family. It is in the backdrop of this duality of systems that this study sought to assess the challenges facing the traditional power structures in resolving property inheritance conflicts in Meru County, Kenya

Literature Review

The African traditional power structures that are used to resolve conflict related to property inheritance are faced with many challenges. Maitima (2013) cites land as a pricy commodity across the world. Maitima further argues that, as one of the issues at the center of many conflicts in Africa, it is only proper that the management of this resource is done properly. This, he claims, has proven to be a challenge for many traditional power structures, and has often led to disputes, sometimes spilling over to war (Maitima, 2013).

Lack of proper leadership is cited as another challenge faced by traditional power structures in Africa by Normandy (2013) who claims that, one of the challenges faced by traditional power structures is that with these systems, the handing over of power usually revolved around royal families and clans that had lineages from which kings had been chosen. The end-result of this is little democratic space (Normandy, 2013).

Another challenge faced by traditional power structures according to Mkapa (2010) is the formulation of great policies, or the lack thereof. The presence of chieftainship in African systems meant that the chief oversaw the present-day running of his territory. While this encouraged the community to remain at peace, there were hardly any policies enacted to make the people self-reliant. This scholar posits that this presents many challenges, as it does not create the ideal working environment for an equality system (Mkapa, 2010).

The other challenge of dispute resolution by elders is the negative attitude they face from 'modernized' Africans according to Kariuki (2015). He contends that in Ethiopia, Christians and Muslims have criticized the Borana-Oromo-Gadda ritual system as paganism. He further claims that traditional practices such as rituals, cleansing, and trial by ordeals, which are central in resolving disputes, have been declared illegal under most legal systems. Kariuki

also argues that, in most countries in Africa including Kenya, South Africa, and Ethiopia, there are laws proscribing witchcraft and traditional African practices despite their complementary role in dispute resolution (Kariuki, 2015)

African justice systems, according to Kariuki (2015), are regarded as inferior in comparison to formal justice systems. He contends that this inferiority results from the subjugation of African customary law, which the undergirding normative framework is providing the norms, values, and beliefs that underlie traditional dispute resolution. He further claims that the concept of repugnancy to justice or immorality introduced by colonialists to limit the application of African customary law remains in most African countries even in the post-independence era. He gives the example of Kenya where he gives the evidence of the example of, Article 159(3) of the Constitution that limits the use of traditional dispute resolution mechanisms. This Article prohibits the use of traditional justice systems in a manner that contravenes the Bill of Rights, is repugnant to justice and morality or results in outcomes that are repugnant to justice and morality, or is inconsistent with the Constitution or any other written law (Constitution of Kenya 2010). In South Africa, a similar scenario is evident where sections 12 and 20 of the Black Administration Act limit the use of traditional dispute resolution in civil and criminal cases respectively (Okoth, 2002).

Modernity has negatively influenced African justice systems. According to Kariuki (2015), elders were the rich and wealthiest in pre-colonial period because they held land and livestock. He contends that their wealth and respect enabled them to be independent during dispute resolution processes. He further argues that, younger people have accumulated wealth and in most cases, older people rely on the younger people. This has enabled dispute resolution by elders to be affected by bribery, corruption, and favoritism. He gives the example of the *Abba Gada* elders of the Borana-Oromo and the *Sefer* chiefs of the *Nuer* community who he claims have been corrupted by bribes therefore limiting people's faith in them Kariuki (2015).

Westernization has also had a negative impact on Traditional African justice system. According to Rautenbach (2010) Westernization has broken down the close social ties and social capital between families and kinsmen in modern times the main family system, especially in urban areas, is the nuclear family in contrast to pre-colonial days when the most important family system was the extended family. This scholar also claims that urban migration an increasingly individualistic society, have broken down the communal or extended family system and thus reducing the influence of elders. In addition, the superiority of the Westernized judicial and legal system has further reduced the influence elders have in resolution of disputes (Rautenbach, 2010).

The other challenge to the application of traditional African dispute resolution mechanisms in contemporary African societies is inadequate or unclear legal policy. According to Rautenbach (2010), most African countries lack clear policies and laws on traditional dispute resolution mainly due to plurality of their legal systems. He further argues that even in countries such as South Africa where there is a legal framework for the application of traditional dispute resolution, there are still challenges and limitations in their usage (Rautenbach 2010). Pkalya (2004) echoes a similar idea where he contends that these unclear

legal and policy framework extends to matters of appeal of decision of elders and enforcement of these decisions. This scholar further gives examples like among the *Samburu*, *Pokot*, *Turkana* and *Marakwet* where they claim that it is difficult to enforce the decision of elders unless all the parties agree with the decision. They also claim that, formal justice systems are backed by government sanction and disputants easily comply with their decisions (Pkalya, 2004).

Statement of the Problem

Research shows that competing inheritance or property claims are most often first addressed through interpersonal negotiations, possibly involving the mediation of heads of families or clans or local customary leaders. For instance, a study in an agricultural area of western Kenya where patrilineal inheritance is customary found that all respondents' reported their land dispute cases first to local leaders, i.e. elders or chiefs. Although chiefs and elders do not have any legal authority to resolve disputes, they have both local social legitimacy and can act more quickly and cheaply than the official legal system (Henrysson & Joireman, 2009). However, despite the fact that these institutions offer alternative conflict resolution on inheritance cases, they are faced with many challenges. According to Rautenbach (2010), most African countries lack clear policies and laws on traditional dispute resolution mainly due to plurality of their legal systems. He further argues that even in countries such as South Africa where there is a legal framework for the application of traditional dispute resolution, there are still challenges and limitations in their usage (Rautenbach, 2010). According to Mutembei (2014), discrimination against women in matters of inheritance in Meru community has led to conflicts among members of the families who feel they have not been allocated their rightful properties. These problems result from the fact that property inheritance rights, under customary law, differ from what is provided for in the national law of succession. According to the Law Society of Kenya (2010), culture and tradition continue to support male inheritance of family. However, traditional power structures continue to serve the community in Meru County in regard to resolution of inheritance conflict. This study, therefore, sought to assess the challenges facing the traditional power structures in resolving property inheritance conflicts in Meru County, Kenya.

Methodology

This study employed a descriptive survey research design to gain insight into the challenges faced by traditional power structures in resolving conflict on property inheritance in Meru County. This design is concerned with describing the characteristics of a particular individual or group (Kothari, 2009).

This study was carried out in Meru County, which is located in the former Eastern province of Kenya or the current Mt Kenya East region and it targeted *Tigania* East Sub-County which was sampled purposively. The Sub-County was chosen because it has more activities of *Njuri Ncheke* compared to the other sub-counties of Meru evidenced by the fact that it hosts the *Njuri Ncheke* headquarters. Additionally, there are many land disputes resulting from incomplete land adjudication process, which has seen many residents of *Tigania* East Sub-

County without title deeds. *Njuri Ncheke* (the council of Elders in Meru County) deals with these inheritance cases.

The samples size comprised of all the 54 *Njuri Ncheke* committee members from all the 18 *Njuri Ncheke* Centres in Tigania East. These were the 54 executive officials in the 18 Centres who were the chairperson, the secretary and the treasurer of each of the *Njuri Ncheke* centres in Tigania East; 180 *Njuri Ncheke* elders, who sat in the court proceedings during the hearing of inheritance conflict cases in Tigania East Sub-County, but were not in the leadership of the *Njuri Ncheke* and 42 representatives of households, whose inheritance conflict cases had been determined in the last three years since 2012-2015. All the respondents were sampled purposively.

Data was collected using in-depth interviews and key informant interviews. This targeted 54 *Njuri Ncheke* Centre leaders who included the chairperson, secretary and the treasurer; 18 focus group discussions (FGDs) of 10 members each was used to collect data from the 18 *Njuri Ncheke* Centers of Tigania East and direct observation where the researcher attended *Njuri Ncheke* court proceedings and observed cases in progress without interrupting and not participating. An observation schedule was developed regarding the *Njuri-Ncheke* court proceedings .The observation was for the entire case from the onset to making of judgment. The researcher recorded everything experienced about the setting and the interactions among the people taking part in the case presented.

Data gathered from the study through the FGDs, direct observations, in-depth interviews, and key informants were transcribed. Field notes and information entered into the researcher's journal was also typed in an organized way. Data was organized using research questions and then coding was done. The findings were analyzed according to themes and described as reflected in the information gathered from the field. Results were presented using narrative discussions after which conclusions and recommendations were drawn.

Response Rate

All 54 (100%) of the questionnaires administered to the key informants and 42 (100%) of the questionnaires administered to the affected households were successfully filled. In addition, all 18 (100%) focus discussion groups were effectively carried out as shown in Table 1.

Table 1: Response rate

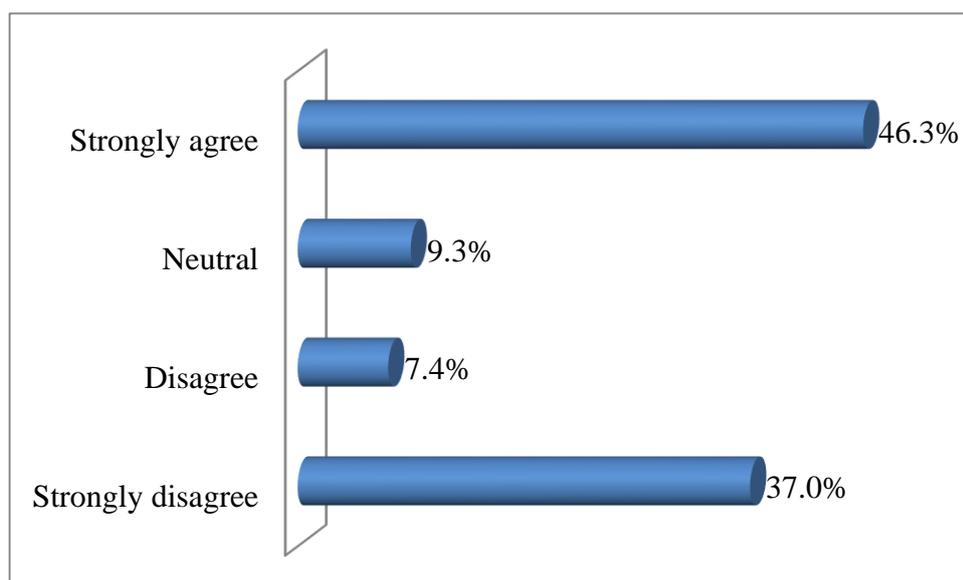
Category of respondents	Total population	Sample size	Return rate	Response rate (%)
Key informants	54	54	54	100
Affected households	420	42	42	100
<i>Njuri Ncheke</i> elders	730	18 groups (180 participants)	180	100
Total	1,204	276	276	100

Findings and Discussion

The researcher sought to assess the challenges facing the traditional power structures in resolving property inheritance conflicts in Meru County, Kenya. The respondents, who comprised of 54 key informants, were asked to cite the challenges faced by *Njuri Ncheke* as an institution of solving property related conflicts. Eleven challenge item statements were used to examine the challenges faced by *Njuri Ncheke* council in the process of determining property related cases. They include failure by a party to appear for hearing, compromise of parties, withdrawal of cases by parties, and time constraint on the part of the council. Other weaknesses include misunderstanding among council members, council being compromised, low literacy level, patriarchal cultural influence on the part of the council, judgments being inconsistent with the law, and ignorance on the tenets of the constitution on inheritance. The results are presented and discussed in as follows.

Some witnesses get compromised at times

Asked whether some witnesses are compromised at times, 46.3% (25) of the key informants strongly concurred, 37.0% (20) strongly disagreed, and 9.3% (5) were neutral while 7.4% (4) disagreed. This implies that the key informants had differing opinion on whether witnesses were compromised. They concurred and opposed in equal measure, hence witness compromise adversely affected the operations of *Njuri Ncheke* in determining property related disputes to a moderate extent. This is illustrated in Figure 2.



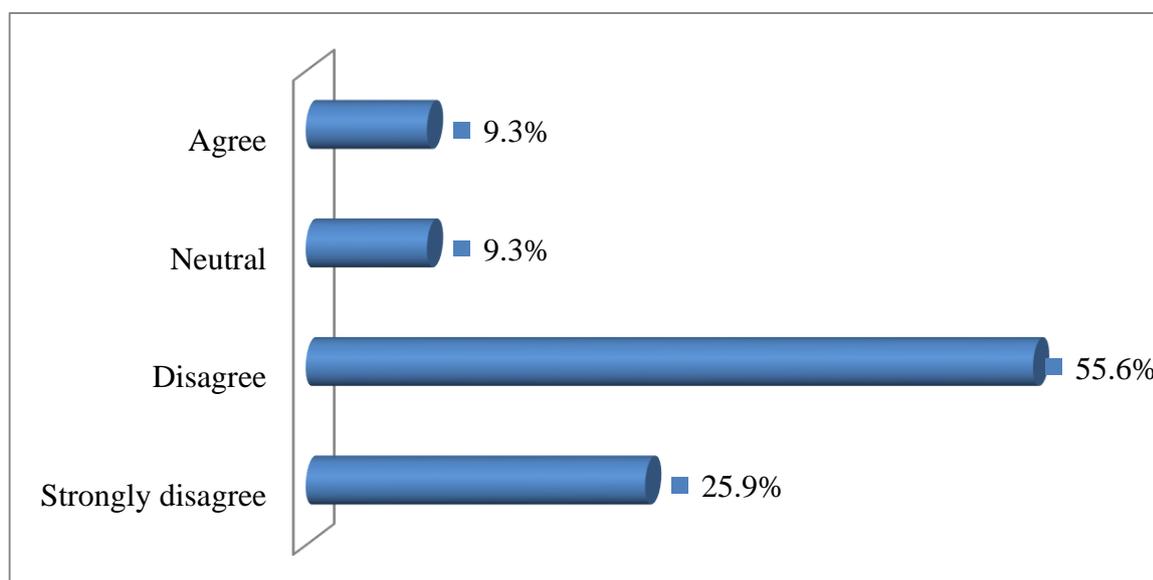
Source: Researcher (2017)

Figure 2: Some witnesses get compromised at times

Some council members being compromised by the parties

In regard to some council members being compromised by the parties as a challenge facing *Njuri Ncheke* council in settling property related cases, 55.6% (30) of the key informants disagreed, 25.9% (14) strongly disagreed, and 9.3% (5) agreed same as neutral. This signifies

that compromise of council members was not a challenge faced by *Njuri Ncheke* as an institution of solving property related conflicts as only less than a tenth stated otherwise. This is illustrated in Figure 7.



Source: Researcher (2017)

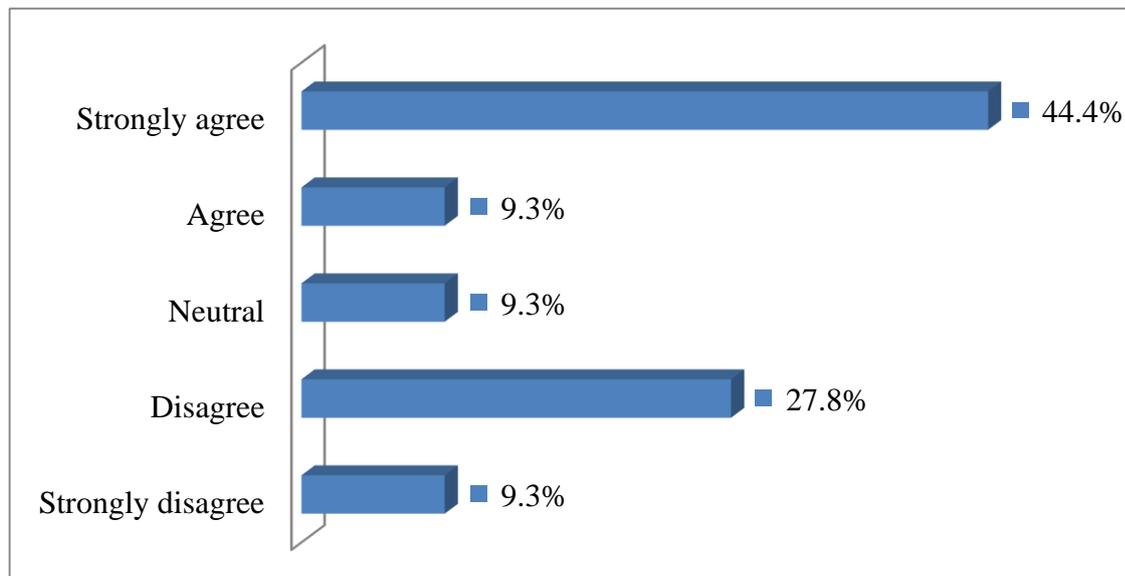
Figure 7: Some council members being compromised by the parties

This finding sharply contrasts with the practice in the *Gacaca* court, which among other challenges is reported to have the challenge of corruption within the court system (Brehm, 2014). According to the Human Rights Watch (2011), the *Gacaca* judges were vulnerable to corruption because they received no state remuneration. In affirming the challenge of elders being compromised, Kariuki (2015) explains that elders were the rich and wealthiest people as they held land and livestock. This wealth and respect helped them to be independent during dispute resolution processes. However, in modern times, younger people have accumulated wealth and older people mostly rely on the younger people. This has opened opportunity for bribery, corruption, and favoritism in dispute resolution by elders. He cites examples of such reports among the *Abba Gada* elders of the *Borana-Oromo* and the *Sefer* chiefs of the *Nuer* community as having been corrupted by bribes which limiting people's faith in them (Kariuki, 2015).

Corruption is also reported as a challenge among the *Tiv*. According to Achan (2013) among the *Tiv* of the Benue Valley in present day Nigeria, there is a problem of what the author describes as problem of corrupt, incompetent, senile or downright wicked elders. In the view of this author, because the indigenous conflict and peace system is one based on trust for the elders, for community and for process, it is understandably hard to reconcile the betrayal in the minds of the community when the trust is broken. The author states that in among the *Tiv*, an ongoing challenge to indigenous processes is maintaining the integrity of elders and community because untrustworthy elders are particularly problematic (Achan, 2013).

Patriarchal cultural influence on the part of the council members

Majority of the key informants (44.4%; 24) firmly concurred that patriarchal cultural influence on the part of the council members was a challenge facing *Njuri Ncheke* council in determining property related cases, 27.8% (15) disagreed, and 9.3% (5) strongly disagreed same as neutral and agreed. This result indicates that patriarchal cultural influence on the part of the council members adversely affected the operations of *Njuri Ncheke* in determining property related disputes as more than half of the key informants upheld this opinion. This is illustrated in Figure 9.



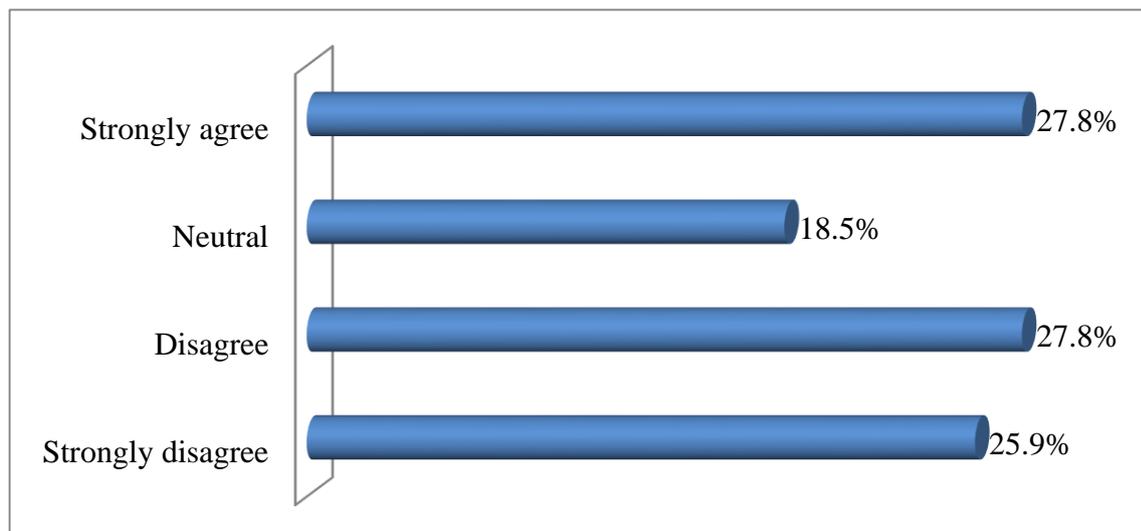
Source: Researcher (2017)

Figure 9: Patriarchal cultural influence on the part of the council members

The same sentiment was confirmed by respondents in the category of FGD who also cited gender favourism by the family when it comes to sharing of property of a head of a family who dies without a will. In this case, the family may favour the males in the family against the females and the *Njuri Ncheke* may find it difficult to do a fair distribution of property among the children. This is in line with the argument of Thipe (2013) in South Africa who says that women experience marginalization in traditional courts.

Some Judgments being inconsistent with the existing laws

In regard to some judgments being inconsistent with the existing laws as a challenge facing *Njuri Ncheke* council in settling property related cases, 27.8% (15) of the key informants strongly agreed same as disagreed, 25.9% (14) strongly disagreed while 18.5% (10) were neutral. This implies that some judgments being inconsistent with the existing laws was not a major challenge faced by *Njuri Ncheke* as an institution of solving property related conflicts as only less than a third stated otherwise. This is illustrated in Figure 10.



Source: Researcher (2017)

Figure 10: Some judgements being inconsistent with the existing laws

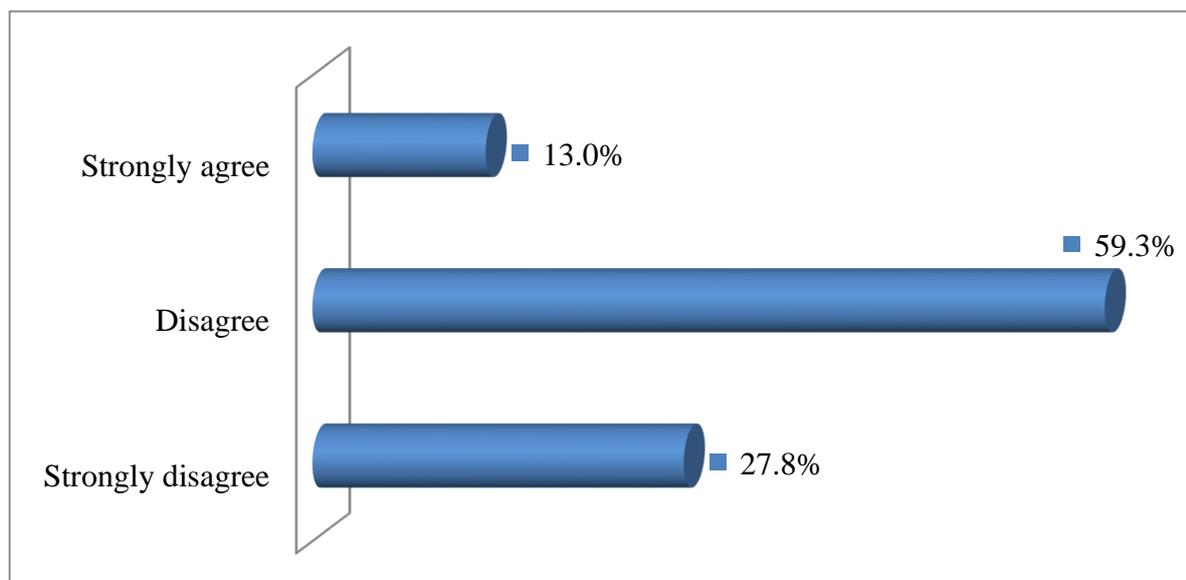
However, the view of the FGD was different because this group cited conflict with the constitution as a challenge encountered by *Njuri Ncheke*. It was agreed by the participants in the FGD that, sometimes, their decision may not be in line with the constitution and therefore the government may fail to recognize the decision made by *Njuri Ncheke*.

On this finding Kariuki (2015) portrays a different picture. He says that the unclear legal and policy framework makes it a challenge in regard to appeal of decision of elders and enforcement of these decisions. He further claims that Among the *Samburu, Pokot, Turkana* and *Marakwet* of Kenya, it is difficult to enforce the decision of elders unless all the parties agree with the decision (Kariuki, 2015).

The finding is also different from what is depicted about the *Abunzi* mediators. According to Mutisi (2012), although the *Organic Law (2006)*, which was amended in 2008 and 2010, mandates the *Abunzi* there is procedural dissonance, which is caused by a lack of knowledge about the law and dispute resolution methods by *Abunzi* members. Mutisi noted that, knowledge of the substantive law, aptitude for mediation, skills in evaluating evidence and respect of procedures are important attributes of any mediator. The author continues to assert that many *Abunzi* mediators are elected to their positions not based on these attributes but majorly because they are ‘persons of integrity’ and are willing to offer their services to the state and their community. This author concludes that personal integrity of the *Abunzi* is emphasised as a key attribute more than the knowledge of mediation but in reality, the *Abunzi* mediators need to be knowledgeable in other laws apart from the Organic Law for effective dispute resolution. This is because limited mediation skills reduce the effectiveness of their work thus resulting in numerous cases of appeal that have affected areas such as the *Nyarugenge* sector (Mutisi, 2012).

Political interference in the conflict resolution process

Concerning whether political interference in the conflict resolution process was a weakness faced by *Njuri Ncheke* in resolving property related conflicts, a high majority 59.3% (32) of the key informants disagreed with the statement, 27.8% (15) strongly disagreed while 13.0% (7) strongly agreed. This is illustrated in Figure 18.



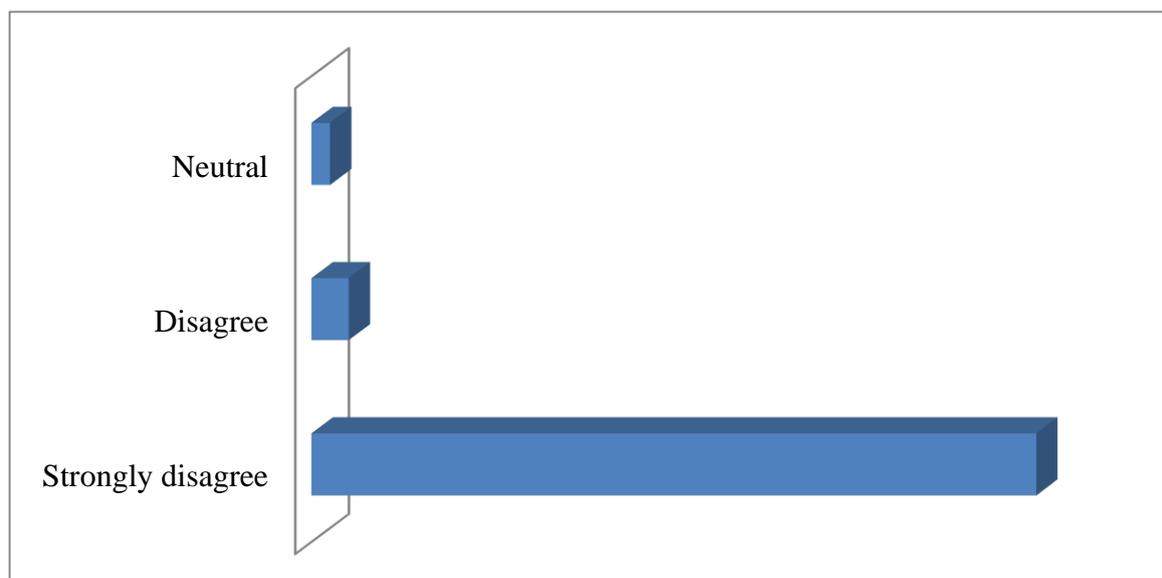
Source: Researcher (2017)

Figure 18: Political interference in the conflict resolution process

This result signifies that, in the opinion of the key informants, political interference in the conflict resolution process was not a weakness faced by *Njuri Ncheke* in resolving property related conflicts since more than four fifths of the respondents upheld this belief.

This finding sharply contrasts with the *Guurti* who are said to be becoming political with some of the elders having allegiances to different political parties and politicians trying to influence the elders, and this is affecting the credibility of the House. Others argued that some *Guurti* members have been seen attending political rallies.

On this same issue regarding whether political interference in the conflict resolution process was a weakness faced by *Njuri Ncheke* in resolving property related disputes, respondents from the affected households concurred because 92.9% (39) disagreed with the statement, 4.8% (2) disagreed while 2.4% (1) were neutral. This result signifies that, in the opinion of the affected households, political interference in the conflict resolution process was not a weakness faced by *Njuri Ncheke* in resolving property related conflicts since less than a twentieth of the respondents held a contrary belief. This is illustrated in Figure 19.



Source: Researcher (2017)

Figure 19: Political interference in the conflict resolution process

This outcome is in total contrast with the Gacaca of Rwanda who according to Hansen 2005, has blatant interference by the post-genocide Rwandan government widely reported. This author further claims that the government intervened in the mandate of *Gacaca*, its deliberation process, in the availability and release of detainees to be tried and intimidation of its judges (Hansen, 2005; Amnesty International, 2002).

***Njuri Ncheke* challenges in resolving property related conflicts**

The finding indicates that, there is an agreement on the views of the key informants and that of the affected households. This is because, out of the seven weakness item statements, three items scored a mean of between 3.5 and 4.49, implying the key informants perceived them as weaknesses while four items posted a mean of less than 2.5 indicating that the respondents did not view them as weaknesses.

Item one - lack of awareness on the changes in the law scored a mean of 4.07 (SD = .26), item two - lack of full time employees to deal with the proceedings enumerated a mean of 4.04 (SD = 1.08) while item three inadequate use of technology posted a mean of 3.65 (SD = .62). This result denotes that in the opinion of the key informants, the aforementioned three items were weaknesses faced by *Njuri Ncheke* in the process of resolving property related conflicts.

Item four - political interference in the conflict resolution process registered a mean of 2.11 (SD = 1.21), item five - possibility of council members being compromised recorded a mean of 1.89 (SD = 1.00) same as item six - lack of trust on the council by the residents. Also, item seven - inadequate gender representation posted a mean of 1.30 (SD = 1.06). This result signifies that in the opinion of the key informants, the aforementioned four items did not

adversely affect *Njuri Ncheke* council in the process of resolving property related conflicts. This is illustrated in Table 3.

Table 3: Key informants opinion on challenges within *Njuri Njeke* Council in conflict resolution

Weakness Item	N	Mean	Std. Deviation
Lack of awareness on the changes in the law	54	4.07	0.26
Lack of full time employees to deal with the proceedings	54	4.04	1.08
Inadequate use of technology	54	3.65	0.62
Political interference in the conflict resolution process	54	2.11	1.21
Possibility of council members being compromised	54	1.89	1.00
Lack of trust on the council by the residents	54	1.89	1.00
Inadequate gender representation	54	1.30	1.06

Source: Researcher (2017)

While on the other hand out of the seven weakness item statements, four items scored a mean of between 3.5 and 4.49 implying the affected households perceived them as weaknesses, three items posted a mean of less than 2.5 indicating that the respondents did not view them as weaknesses.

Item one - inadequate use of technology enumerated a mean of 4.12 (SD = .67) same as item two - inadequate gender representation. Additionally, item three - lack of full time employees to deal with the proceedings scored a mean of 4.07 (SD = .64) and item four - lack of awareness on the changes in the law registered a mean of 3.88 (SD = .45). This result denotes that, in the opinion of the affected households, the aforementioned four items were weaknesses faced by *Njuri Ncheke* in the process of resolving property related conflicts.

Item five - possibility of council members being compromised recorded a mean of 1.29 (SD = .51) same as item six - lack of trust on the council by the residents. Besides, item seven - political interference in the conflict resolution process enumerated a mean of 1.10 (SD = .37). This result signifies that, in the opinion of the affected household, the aforementioned three items did not adversely affect *Njuri Ncheke* council in the process of resolving property related conflicts. This is illustrated in Table 4.

Table 4: Affected household opinion on challenges within *Njuri Njeke* Council in conflict resolution

Weakness Item	N	Mean	Std. Deviation
Inadequate use of technology	42	4.12	0.67
Inadequate gender representation	42	4.12	0.67
Lack of full time employees to deal with the proceedings	42	4.07	0.64
Lack of awareness on the changes in the law	42	3.88	0.45
Possibility of council members being compromised	42	1.29	0.51
Lack of trust on the council by the residents	42	1.29	0.51
Political interference in the conflict resolution process	42	1.10	0.37

Source: Researcher (2017)

Conclusion

Findings that there are internal and external challenges faced by *Njuri Ncheke* as an institution involved in resolving inheritance related conflicts in Meru County as perceived by the key informants and the affected households. Of the challenges discussed as perceived by key informants, only four appeared to be a challenge which include; failure by a party to appear for hearing, either of the parties being compromised, patriarchal cultural influence on the part of the council, and withdrawal of cases by either of the parties. All the other challenge statements were not considered to be a problem in the view of the key informants. For these respondents, time constraint is not a problem on the part of the council, there is no misunderstanding among council members, council members cannot be compromised, low literacy level is not a challenge to the council, their judgments consistent with the law, and ignorance on the tenets of the constitution on inheritance is not a challenge.

On the seven weakness statements, presented to the key informants and the affected households, three of the statements were considered as weaknesses. They include, lack of fulltime employees in the *Njuri Ncheke* operation which both the key informants and the affected households were in agreement was considered by both the key informants and the affected households as a weakness. Lack of awareness on changes in the law, was also viewed as a weakness by both the key informants and the affected households and inadequate use of technology was viewed as a weakness by both the key informants and the affected households.

On the other hand, respondents from the category of key informants and those from the affected households were in agreement that three weakness statements were not a problem to the *Njuri Ncheke* council in dispensing their inheritance conflict resolution service to the community. This study established that the council was trustworthy, there was no political interference with *Njuri Ncheke* in conflict resolution process in Tigania East, and that there is no possibility of the council being compromised. Finally, the weakness statement of inadequate gender representation in the *Njuri Ncheke* panels hearing inheritance cases had a discrepancy in that key informants felt that it was not a problem while the affected households felt that having no females in the panels was a weakness. It was concluded that the challenges facing *Njuri Ncheke* in their endeavor to resolve inheritance conflict matters were more external than internal and were those related to lack of resources and lack of capacity to enforce decisions and adequate information on the contemporary law.

Recommendations

The study recommends public education be given to the residents of *Tigania East* about what *Njuri Ncheke* as a traditional institution stands for and why it is structured as it is. This public awareness of the ideals of the institution can open participation of resident based on clear understanding of the basis of their existence. The study proposes inclusion of the institution in the education curriculum for all schools in the areas served by *Njuri Ncheke*. This would enhance understanding and appreciation of the functions of the traditional institution.

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