Alternative dispute resolution in combating banditry in Kenya's North Rift Region: Effectiveness, legal boundaries and institutional integration

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ABSTRACT

Alternative Dispute Resolution (ADR) is deeply rooted in the social organisation of pastoral communities, yet its effectiveness against contemporary armed and commercialised banditry remains uncertain. This article interrogated the effectiveness of ADR mechanisms in combating banditry in Kenya's North Rift region. It examined awareness, commonly used mechanisms, perceived effectiveness, legal boundaries and the relationship between ADR and formal security interventions. The study was guided by Institutional Theory and restorative justice principles and adopted a pragmatist, explanatory sequential mixed-methods design. It was conducted in Baringo and Elgeyo Marakwet counties. The principal survey population comprised 242,379 livestock-rearing household heads. Fisher's formula produced a sample of 384 household heads, proportionately selected across eleven sub-counties; 350 usable questionnaires were returned. Key informants were drawn from law enforcement, prosecution, the judiciary, probation services, national administration, religious organisations and civil society, while four focus group discussions involved 40 Kenya Police Reservists. Data were collected through questionnaires, interviews, focus group discussions and document review. Descriptive statistics, Pearson correlation and thematic analysis were used. Awareness of ADR was nearly universal at 97.4%. Mediation was the most commonly used mechanism (81.1% of the total sample), followed by restorative justice (10.6%) and restitution (5.7%). Mediation received the highest positive effectiveness rating at 68.8%, followed by restitution at 57.7% and restorative justice at 38.3%. However, 94.3% of respondents reported that ADR and the formal criminal justice system were not used concurrently. Qualitative evidence showed that ADR was considered appropriate for non-violent cattle theft, restitution and inter-community reconciliation, but inappropriate for armed cattle theft, murder and robbery with violence. ADR preferences were not significantly related to gender, age, education or occupation. ADR use was also not significantly correlated with disarmament ($r = -.013$, $p = .810$) or deployment of the Kenya Defence Forces and National Intelligence Service ($r = .019$, $p = .730$). The study concludes that ADR is legitimate and useful for relational and resource-based disputes but remains institutionally separated from formal justice and cannot independently address organised armed banditry. It recommends a legally defined hybrid justice model, structured referrals, joint case review, victim protection, restitution standards and development-oriented rehabilitation.

Keywords: Alternative Dispute Resolution, Banditry, Mediation, North Rift, Restitution, Restorative Justice

I. INTRODUCTION

Alternative Dispute Resolution refers to non-adversarial processes used to resolve disputes outside conventional court adjudication. The mechanisms include mediation, negotiation, reconciliation, restorative justice, and restitution. They are valued for flexibility, participation, lower cost, speed and their capacity to preserve relationships (Menkel-Meadow & Carrie, 2015). Many African communities have historically adopted a philosophy of social repair and harmony with a conflict resolution approach that goes beyond the singular punishment of the offender. All these characteristics make ADR relevant in Kenya's North Rift region, where the nature of banditry is bound into inter-community relations, pastoral economy, past conflicts, and competition for pasture and water. Offenders and victims may come from the same villages and/or neighbourhoods and be forced to permanently share the same grazed lands, markets and social networks with one another following an incident. A purely legal judgment may therefore be insufficient without attention to the relationships required for long-term coexistence. According to Murithi (2006), African peacemaking is influenced by accepted principles of Ubuntu, which provide a basis for interdependence, accountability, and restoration.

At the same time, there is a significant difference between the banditry of today and the customary claims for which mechanisms of elder-led responses were specifically designed. Some cattle raids have evolved into organised crime through the use of assault weapons, political protection, commercial financing, and cross-border movement. Mediation can be used when there is no violence and the involved parties are willing to make restitution when

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livestock has been stolen. When there is murder or intimidation, armed robbery, or extreme power disparity, it gets legally and ethically problematic. The central issue is therefore not whether ADR should replace the formal criminal justice system. It is how the two systems can function actively in complementary ways within constitutional safeguards, public safety and accountability. Genn (2012) cautioned that ADR is not a straightforward remedy for formal justice as well as access to justice, it should be fair, enforceable, and secure for weaker parties. Menkel-Meadow and Carrie (2015) also noted that the worth of mediation is contingent upon the type of conflict, the style of the mediation process, and the institutional setting it lives in.

Traditional leaders, peace committees, and elders in the North Rift continue to play an important role in assisting in the reconciliation, return of livestock, and compensation, and peace deals. Under the formal system, police, prosecutors, and courts handled offences governed by the Penal Code and firearms legislation. Often, this was a parallel process, rather than a clear referral framework. Accordingly, the article concentrated on awareness of ADR, the most prevalent form of ADR, comparative effectiveness, and legal parameters and legal linkage with security responses by the state. The article is important for criminal justice policy because it is a common policy dilemma. If mitigations are totally excluded, they could be ignoring culturally legitimate and available processes. ADR applied in an indiscriminate way to armed offences may affect deterrence, the rights of victims and accountability of the state. It requires empirical evidence to establish a proper span of mediation, restitution, and restorative justice for a region where conflict is also communal, criminal, political and economic.

1.1 Statement of the Problem

The Constitution of Kenya (2010) acknowledges traditional dispute-resolution mechanisms and ADR mechanisms are well known and widely-adopted in pastoral communities. But despite peace meetings, elder mediation efforts, restitution deals, and inter-community pacts, banditry has continued. This longevity also indicates that mere cultural legitimacy and public awareness are not sufficient for effectiveness against violence (armed, organised, and commercialised). There is much existing literature that explains the ‘restorative' benefits of mediation, restitution, and reconciliation. It also highlights the weaknesses of the slow and inaccessible formal courts. But the majority of this literature stems from a conceptual reality of civil conflict or an environment other than one of militarised cattle raiding. Limited empirical evidence compares the perceived effectiveness of different ADR mechanisms within the same banditry-prone population. There is also a lack of evidence regarding whether there are any relationships between ADRs and disarmament and deployment of security forces, or how justice actors draw the lines between "crimes which can be dealt with in the community" and those which must go to court.

The practical problem is a bifurcated justice system. Formal criminal cases can continue to be filed, but communities can resolve home affairs, have the opportunity to reconcile through elders, and return livestock to the community. In other instances, trivial issues can continue for a long time in court even when both restitution and reconciliation are achievable. In the absence of clear jurisdiction, referral, documentation, and review procedures, ADR remained vulnerable to misuse. This study then questioned the effectiveness of ADR in practice and what institutional reforms would be needed for a complementary justice model.

1.2 Research Objective

To interrogate the effectiveness of alternative dispute resolution mechanisms in combating banditry in the North Rift region, Kenya.

1.3 Research Question

What is the effectiveness of alternative dispute resolution mechanisms in combating banditry in the North Rift region, Kenya?

II. LITERATURE REVIEW

2.1 Theoretical Review

The article was rooted mainly in Institutional Theory. As established in Meyer and Rowan (1977) such formal structures might be instituted when daily operations turn out only to be peripherally related. Scott (2008) also found three pillars of "regulative", "normative" and "cultural-cognitive". These pillars are helpful in considering ADR as a whole, because formal processes are dependent on laws, traditional processes have their legitimacy in community norms, and both depend on a community understanding of what is wrong, how to compensate, and how to reconcile. The legal rules affecting what kinds of issues are eligible to be referred are a part of the regulative pillar, as are the rights of victims or accused individuals and the compulsory obligations of the state to bring serious cases before the court. The normative pillar relates to accepted responsibilities, such as those invested in elders, that stolen stock must be returned, and the community responsibilities to foster peace. The cultural-cognitive pillar relates to the commonly

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held assumption that dialogue and mediation of elders are proper means to settle conflicts between two or more pastoral communities.

Institutional Theory predicts both legitimacy and tension. Acceptance of ADR may be related to the norms in the community and accessibility. The formal criminal justice process can feel onerous, out of reach and/or costly. However, in parallel operation, there can be uncertainty, duplication and impunity. The theory thus draws attention towards integration, jurisdiction and formal and informal institution's mutual recognition. A complementary conceptual perspective was offered by principles used in restorative justice. Bazemore and Schiff (2001) stated that restorative community justice is designed to 'repair harm and change relationships'. Braithwaite (2002) stated the importance of standards safeguarding participants and preventing arbitrary restorative processes. Restorative principles are applicable in the North Rift, where banditry would inflict harm on victims, their families and whole communities, but they should not be applied where there are potential obstacles to voluntary engagement, such as when violence, coercion or unequal power make it difficult for victims to engage.

2.2 Empirical Review

2.2.1 Mediation and Customary Conflict Resolution

Mediation allows a neutral third party to facilitate discussion without imposing a decision. Menkel-Meadow and Carrie (2015) noted that "The compelling thing about mediation is that the parties participate, they work out the problem flexibly, and they can get a result that they might not get in formal adjudication." These traits align with customary processes, with elders aiming for consensus and persisting in a way of life. Manby (2021) explained that customary institutions in the Horn of Africa often provide governance where formal state presence is weak. They might be more likely to be visited and have a kind of social legitimacy of which courts are not necessarily aware. But this power can also lead to institutional parallelism, where the formal and customary systems exist side-by-side with no apparent coordination. Amoah (2020) proposed that victim-offender mediation increases the participation, sense of fairness and satisfaction because both victims and offenders are able to face each other as they confront the crime that was launched against them. Mediation can help resolve livestock conflicts by helping get livestock back, as well as negotiate compensation and/or recognition. This may also help to decrease retaliatory attacks by offering an accepted means to communicate.

According to Shalom and Munene (2023), mediation is considered a possible way of developing truce and sustaining social cohesion in Kenya to lead the development to sustainability. This is particularly important in the North Rift context. Successful mediation can have ripple effects beyond the immediate parties to transport, markets, schooling and access to water, which are all impacted by conflict.

2.2.2 Restorative Justice and Restitution

Restorative justice shifts the way of looking at crime, viewing it as causing harm to people and relationships, not just to the state. Bazemore and Schiff (2001) related restorative processes to the involvement of the victim and holding offenders accountable while repairing the community. These impacts are significant in a Banditry scenario as it involves bereavement, displacement, and economic loss as well as inter-community relationship breakdown.

However, Braithwaite (2002) emphasised the need for standards in restorative justice. This should be done with voluntary participation of the persons and informed consent as well as protection from coercion and proportionality. Where armed groups, political patrons or powerful elders play a role in the process, these factors can make securing these conditions challenging. Restorative language should not be manipulated into a form of pressure to justify forgiveness of the victim, or to insulate or not bring a serious perpetrator to the bar. Restitution focuses on returning stolen property or compensating loss. Livestock in pastoral economies is a source of livelihood and social resource. However, as Boan et al. (2018) noted, indigenous distributive-justice mechanisms in Kakuma have the potential to dampen conflict when they are perceived as fair and relations with authority are maintained. This helps uphold the possibility of restitution for cattle-related conflicts.

According to Ronoh (2021), restorative justice was conceptually good in Baragoi, but its full operationalisation was challenging owing to the level of bitterness and deep grievances among the ethnic communities. The study suggested that the implementation of restorative principles should take into account local realities. In a context where the dynamics of violence are not confined to a single occurrence, this suggests that it is possible that reconciliation is not always valued as highly as concrete reparation or formal mediation.

2.2.3 Integration of Formal and Informal Justice

Plural legal systems are common in Africa. Rautenbach (2019) demonstrated that customary law and formal courts can function side by side, but there is a need for constitutional and procedural clarity. In the absence of links between systems, there could be some strategic movements of parties, but also the risk of getting different results. Genn (2012) suggested that reform of ADR should be assessed in the context of the objectives of civil and public

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justice alongside its speed and cost. Serious criminal cases represent crimes involving public interests other than those of the parties involved. Families or communities may need to reconcile, and the state may be called upon to prosecute.

However, Leonardsson and Rudd (2015) argue that when local institutions have scope to act and are still linked to wider processes, there is potential for locally grounded peacebuilding to be effective. Paffenholz (2015) warned against the potential for local dynamics to re-enact processes of exclusion and elite rule. A hybrid model is supported by these arguments, albeit with the proviso that there is explicit referral, oversight, and accountability. Accordingly, McConkie (2023) noted how these disarmament, demobilisation, and reintegration initiatives in the Karamoja Cluster are built on trust and the priority order in which the interventions by security and communities are made. In applying this framework to community security in the Horn of Africa, Kinyanjui (2015) also related small arms proliferation to community security. There is a major challenge to ADR in situations where illegal arms andorganised markets are not involved in the process and hence not subject of resolution. Muggah and O'Donnell (2015) discussed both progress and pitfalls in integrating customary and formal justice in East Africa. Their analysis provides good reasons for retaining customary legitimacy and formal due process in the process of integration. Rather, it should establish jurisdiction, referral criteria, and a process for documenting and/or reviewing.

2.3 Knowledge Gap

The literature supports mediation, restitution and restorative justice as culturally grounded responses to relational harm. It also understands the public responsibility that must be taken with serious crime. In the North Rift however, few empirical studies have explored similarities and differences in ADR mechanism awareness, use and perceived effectiveness, delved into their relationship with formal security responses and documented the exact distinctions set up by magistrates, prosecutors and probation officers. The present study addressed these gaps based on the combined evidence from households as well as institutions.

III. METHODOLOGY

3.1 Research Design

The study adopted a pragmatist philosophy and an explanatory sequential mixed-methods design. The quantitative data identified the prevalence, the preference ratings, and the effectiveness ratings of the various mechanisms of ADR. Qualitative interviews and focus group discussions were subsequently used to describe how ADR was utilised, what cases were appropriate for utilisation and the condition that kept integration with the formal criminal justice process limited. The design was suitable since effectiveness was related to perceptions of measurable and legal or institutional meaning. Bentahar (2015) agreed that with mixed methods, measurable patterns can be interpreted with the benefit of contextual evidence.

3.2 Study Area

The study was conducted in Baringo and Elgeyo Marakwet counties in North Rift region of Kenya. Cattle-Rustlings, armed-raids, inter-community conflict and state-security operations have been recurring in the counties. They also have working councils of elders, peace committees, and customary mediation solutions, which are well-positioned to consider the relationship between ADR and formal criminal justice processes.

3.3 Target Population

The principal survey population consisted of 242,379 household heads from livestock-rearing households. The qualitative population included national administrators, police, magistrates, prosecutors, probation officers, religious leaders, civil society managers and Kenya Police Reservists. Justice officials were important because they determine whether a matter may be referred, prosecuted, sentenced or supervised after conviction.

3.4 Sampling Procedures and Sample Size

Fisher's formula generated a sample of 384 household heads. Baringo and Elgeyo Marakwet were selected from the North Rift county clusters; all eleven sub-counties in the selected counties were included, and the sample was allocated proportionately. Household selection combined a random starting point with systematic sampling at an interval of five. Magistrates, prosecutors, probation officers and selected administrators were purposively sampled because of their specialised roles. Other key informants were selected by simple random sampling. Four focus group discussions were conducted with 40 Kenya Police Reservists.

3.5 Data Collection Instruments

Questionnaires collected quantitative data on ADR awareness, mechanisms used, perceived effectiveness, concurrent operation with formal justice and related security interventions. Interview schedules explored legal boundaries, referral practices, rehabilitation and recidivism. Focus group discussions captured the experience of

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community-based security actors. Documentary review included statutes, policies, reports and records relevant to ADR and banditry.

3.6 Validity and Reliability

The instruments were reviewed for face, content and construct validity. A pilot study was conducted with ten household heads in Samburu County, which shares pastoral and banditry characteristics with the study area. Pilot participants were excluded from the final survey. Internal consistency was evaluated using Cronbach's alpha, with .70 used as the minimum acceptance threshold.

3.7 Data Analysis

SPSS version 28 was used for quantitative analysis. Frequencies and percentages summarised awareness, mechanisms and effectiveness ratings. Pearson correlations examined relationships between ADR preferences, socio-demographic characteristics, disarmament exercises and deployment of the Kenya Defence Forces and National Intelligence Service. Qualitative data were transcribed, coded and organised under themes concerning legal eligibility, armed offences, traditional reconciliation, rehabilitation and institutional integration.

3.8 Ethical Considerations

Approval was obtained from Masinde Muliro University of Science and Technology and a research permit was issued by the National Commission for Science, Technology and Innovation. Permission was obtained from the relevant county and local authorities. Participation was voluntary, oral consent was secured, and confidentiality was maintained. Respondent codes were used in place of names, and sensitive records were securely stored.

IV. FINDINGS & DISCUSSION

4.1 Response Rate

Of the 384 questionnaires administered to household heads, 350 were completed and returned, producing a 91.1% response rate. The household data were supplemented by interviews with criminal justice, administrative and community actors, together with four focus group discussions involving Kenya Police Reservists.

4.1.1 Awareness and Commonly Used ADR Mechanisms

Table 1 presents respondents' awareness of Alternative Dispute Resolution mechanisms.

Table 1

Awareness of Alternative Dispute Resolution Mechanisms

Response	Frequency	Percent
Aware	341	97.4
Not aware	9	2.6
Total	**350**	**100.0**

Table 2 presents the Alternative Dispute Resolution mechanisms most commonly used by respondents.

Table 2

ADR Mechanisms Commonly Used

ADR mechanism	Frequency	Percent of total sample	Percent of valid responses
Mediation	284	81.1	83.3
Restorative justice	37	10.6	10.9
Restitution	20	5.7	5.9
No valid response	9	2.6	-

Awareness of ADR was nearly universal. A total of 341 respondents (97.4%) reported awareness, while only nine (2.6%) reported no awareness. The finding demonstrates that ADR was not an unfamiliar or externally imposed concept. It was embedded in local dispute-resolution practices and supported by the continuing authority of elders, peace committees and community leaders. High awareness did not mean that ADR had prevented banditry. Contemporary insecurity is shaped by small arms, commercial livestock networks, political manipulation and resource competition. These structural factors exceed the capacity of dialogue alone. The significance of the awareness result is therefore that knowledge was not the principal gap; capacity, scope and institutional connection were the more important issues.

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Mediation was the dominant mechanism, identified by 284 respondents. This represented 81.1% of the total sample and 83.3% of valid responses. Restorative justice was identified by 37 respondents (10.6% of the total), while restitution was identified by 20 (5.7%). The hierarchy reflects a strong preference for facilitated dialogue and negotiated agreement. The dominance of mediation is consistent with Menkel-Meadow's and Carrie (2015) explanation of mediation as a participatory and flexible process. It also expresses the cultural knowledge and power of elders (often grandmothers and grandfathers) as they allow people to talk and do not judge. Respondents were not consistently aware that restorative justice and restitution are different mechanisms, and could be combined in mediation. The relatively small proportion identifying restitution should not be interpreted as showing that a relationship with compensation was unimportant. Qualitative evidence indicated that a major set of outcomes of elder-led settlement included the return of livestock and payment in the form of livestock (cattle or goats). Respondents might have described the overall process as mediation when the agreement included restitution.

4.1.2 Perceived Effectiveness of ADR Mechanisms

Table 3 compares respondents' ratings of the effectiveness of restorative justice, restitution, and mediation.

Table 3

Perceived Effectiveness of ADR Mechanisms

Mechanism	Very effective n (%)	Effective n (%)	Neutral n (%)	Ineffective n (%)	Combined positive (%)
Restorative justice	20 (5.7)	114 (32.6)	151 (43.1)	65 (18.6)	38.3
Restitution	49 (14.0)	153 (43.7)	101 (28.9)	47 (13.4)	57.7
Mediation	117 (33.4)	124 (35.4)	97 (27.7)	12 (3.4)	68.8

Mediation received the strongest positive evaluation. A combined 68.8% rated it effective or very effective, while only 3.4% rated it ineffective. The very-effective rating of 33.4% indicated that many respondents regarded mediation as a meaningful resolution process. The finding supports the value of structured dialogue where communities must continue interacting after conflict. Restitution received a combined positive rating of 57.7%. Its perceived effectiveness may have reflected the tangible nature of cattle-related disputes, because returning stolen animals or negotiating compensation directly addressed material loss. Boan et al. (2018) similarly found that distributive and procedural justice can build trust where affected groups perceive allocation and decision-making processes as fair.

Restorative justice had the lowest combined positive rating, at 38.3%. The substantial neutral response (43.1%) and the ineffective rating (18.6%) indicated uncertainty about whether reconciliation produced sustainable outcomes. Ronoh (2021) found that bitterness and longstanding grievances complicated restorative justice in Baragoi. The present finding similarly suggests that broader social restoration may be more difficult to achieve and assess than mediation or restitution. It is significant to compare the mechanisms. While mediation provides a process, restitution can provide a material remedy, and restorative justice can provide a remedy for broader healing and reintegration. Respondents were the most convinced of the process that led to negotiated agreement and the least convinced of the more ambitious promise of social restoration. Restorative justice is not made irrelevant in this process. It demonstrates that reconciliation demands long-term implementation in a setting of trust and sensitivity towards historical issues. The substantial neutral responses also indicated uneven experiences across the mechanisms. Some respondents may have been aware of ADR but not actually used it. Others may have known of agreements that were later not upheld. Thus, implementation fidelity, monitoring, and the willingness of key actors to abide by settlements are key factors of effectiveness.

4.1.3 Relationship between ADR and the Formal Criminal Justice System

Table 4 shows whether ADR and the formal criminal justice system were used concurrently.

Table 4

Concurrent Use of ADR and Formal Criminal Justice

Response	Frequency	Percent
Used concurrently	20	5.7
Not used concurrently	330	94.3
Total	**350**	**100.0**

The most outstanding institutional discovery was that 330 respondents (94.3%) indicated that ADR was not used in conjunction with the formal criminal justice process. Only 20 (5.7%) reported using both simultaneously. This outcome indicates bifurcation of institutions and not a working hybrid system. Qualitative evidence showed that ADR

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was valued for speed, lower cost, and relationship restoration. A law-enforcement officer explained that *"elders facilitated the return of stolen livestock while the formal system handled the criminal component"* (OCS, Kabarnet Sub-County, KII, 14 January 2026). A state counsel nevertheless reported that *"referrals were not systematic, outcomes were not consistently recorded, and no routine case-tracking mechanism linked the two systems"* (State Counsel [PM-005], Office of the Director of Public Prosecutions, Baringo County, KII, 6 December 2025). A magistrate described the permissible boundary in clear terms:

> *"Yes, but only for pure cattle theft without violence. If the offence is simple theft of livestock, both parties are from the same community, and no weapon was used, I have referred such matters to the elders."* (Principal Magistrate [PM-002], Kabarnet Law Courts, KII, 27 November 2025).

In such situations, elders could negotiate restitution through cattle or goats and reconcile neighbours. The practice reflected the cultural-cognitive legitimacy described in Institutional Theory and aligned with restorative justice because victims participated and material harm was addressed. When weapons or violence were involved, a Chief Magistrate drew a clear boundary:

> *"Never. Let me be absolutely clear: where a weapon is used, a gun, a spear, or a knife, the matter is a criminal offence, not a dispute."* (Chief Magistrate [PM-001], Iten Law Courts, KII, 9 December 2025).

A prosecutor similarly explained that *"armed cattle theft constituted robbery with violence and could not be replaced by community mediation. A victim's forgiveness or an offender's admission of responsibility could be considered in sentencing, but the state retained the duty to prosecute"* (Prosecutor [PM-006], Office of the Director of Public Prosecutions, Elgeyo Marakwet, KII, 4 December 2025). This distinction protected the public interest because armed violence affected both the complainant and the wider community. Traditional reconciliation nevertheless retained a nuanced role in inter-community conflict. Elders negotiated the return of livestock, blood wealth, and peace agreements while formal criminal proceedings continued independently (Magistrate [PM-003], Keiyo South Law Courts, KII, 2 December 2025). This arrangement could reduce retaliation, although neither system necessarily maintained a comprehensive record of the whole case. Formal justice addressed individual criminal liability, while customary processes addressed communal relationships.

The results agree with Genn (2012), who argues that the purpose of public justice should not be reduced to private settlement. They also validate Murithi's (2006) call for relational repair. The hybrid model should not be the one where one system is made to replace the other, but should retain both functions.

4.1.4 Rehabilitation, Reintegration and Recidivism

> *Probation officers reported limited rehabilitation programmes for former bandits. Services included supervision, counselling, skills training, and partnerships with non-governmental organisations. However, there was no dedicated residential rehabilitation centre in the North Rift, and former offenders were supervised within the same communities and economic conditions that had contributed to offending* (County Probation Officer [PO-001], Baringo County, KII, 11 December 2025).
>
> *A senior probation officer estimated from case files that 30%–40% of supervised former bandits reoffended within 24 months. The figure was a professional estimate rather than a verified recidivism rate because no formal tracking system existed. The officer associated successful reintegration with employment and small-business opportunities, while poverty, idleness, and access to firearms increased the likelihood of reoffending* (Senior Probation Officer [PO-002], North Rift Region, KII, 8 December 2025).
>
> *A development-oriented rehabilitation model appeared promising. A probation officer described the second phase of Operation Maliza Uhalifu as combining security with school reconstruction, water provision, and healthcare. The officer reported that improved security at one primary school was followed by an increase in enrolment from 324 to 542 learners, while also noting that probation services lacked dedicated funding* (Probation Officer [PO-003], Baringo County, KII, 1 December 2025). The account showed how development could support peace and reintegration.

The rehabilitation results expand on what constitutes an effective ADR. An immediate dispute may be settled through reconciliation and/or restitution, while sustainable prevention needs livelihoods, education, supervision/community acceptance. Without support, Paffenholz (2015) opined that offenders will be sent back to the same conditions of structural pressure, which are not conducive to restorative justice.

4.2 Socio-Demographic Characteristics and ADR Preference

Table 5 summarises the correlations between socio-demographic characteristics and the ADR mechanism commonly used.

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Table 5

Correlation between Socio-Demographic Characteristics and ADR Mechanism Used

Characteristic	Pearson r	p-value	Interpretation
Gender	.010	.857	Not significant
Age	-.013	.805	Not significant
Education	.014	.791	Not significant
Occupation	.064	.235	Not significant

No socio-demographic characteristic was significantly associated with the type of ADR mechanism commonly used. Gender, age, education, and occupation each produced weak coefficients and p-values above .05. ADR preference, therefore, did not vary systematically across the demographic categories. The finding indicates that the decision on mechanism selection was more driven by the characteristics of the dispute, local attitudes and norms, accessibility, and legitimacy than by individual characteristics. According to Manby (2021), customary institutions are socially entrenched, and one would move in and out of these institutions not necessarily via demographic identity, but via productive collective relationships. The absence of demographic differentiation had practical implications. ADR capacity building did not need to be designed as entirely separate systems for different age, gender, or occupational groups. However, participation still requires monitoring for exclusion and power imbalance because a broadly preferred mechanism could remain dominated by elders or male decision-makers.

4.2.1 Relationship between ADR and Formal Security Interventions

Table 6 presents the correlations between ADR mechanisms, disarmament exercises, and KDF/NIS deployment.

Table 6

Correlation between ADR and Security Interventions

Variables	Pearson r	p-value	Interpretation
ADR mechanism and disarmament exercises	-.013	.810	No significant relationship
ADR mechanism and KDF/NIS deployment	.019	.730	No significant relationship
Disarmament and KDF/NIS deployment	-.250	< .001	Significant negative relationship

ADR use was not significantly related to disarmament exercises, $r = -.013$, $p = .810$. It was also not significantly related to deployment of the Kenya Defence Forces and National Intelligence Service, $r = .019$, $p = .730$. The near-zero coefficients show that community-based dispute resolution operated independently of state-led coercive interventions. This independence can be viewed in two ways. It may protect customary processes from political or military interference and preserve local legitimacy. It may also represent a governance gap in which peace agreements, disarmament, investigation and prosecution are not sequenced within one strategy. Leonardsson and Rudd (2015) argued that local peacebuilding is strengthened when it is connected to wider institutions without losing local agency.

A significant negative relationship was found between disarmament and KDF/NIS deployment, $r = -.250$, $p < .001$. The result suggests that the interventions may be used as alternatives or in different operational phases. Heavy deployment may occur where voluntary disarmament has failed, while disarmament may be prioritised where the security environment allows community engagement. The direction of causality cannot be established from correlation. Nevertheless, the result supports the interpretation that kinetic deployment and voluntary disarmament can create tension. Kinyanjui (2015) found that disarmament and reintegration depend on trust and local legitimacy. Communities may retain arms when military presence is perceived as temporary or coercive. A key contribution of the study was the absence of a correlation between ADR and formal interventions, which empirically validated the institutional separation reported by respondents. A stronger security architecture would need clearly defined but complementary pathways linking early warning, mediation, restitution, disarmament, criminal investigation, prosecution, and rehabilitation.

4.3 Contribution to Knowledge

The study provides comparative evidence on three ADR mechanisms in a banditry-prone setting. It shows that mediation had the highest reported effectiveness level, restitution was appreciated for something tangible being done to repair the harm, and restorative justice was given more cautious ratings. It also indicates that the preference for ADR proceeded on a no-demographic basis. More significantly, the study reveals that institutional bifurcation is the major constraint. There was high awareness and cultural legitimacy, accompanied by low simultaneous use with formal justice and a low relationship to state security interventions. The findings thus address the policy question to move from knowing about ADR towards how to make ADR lawfully work alongside prosecution, disarmament and rehabilitation.

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V. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

The study found that there was high penetration of ADR mechanisms in the North Rift communities. There was universal understanding, and overwhelmingly, mediation was the mechanism employed. Mediation and restitution were positively rated more strongly than restorative justice, owing to the structure that gave them the opportunity to have an actual conversation and offer some tangible solution.

However, there was a legitimate but limited role for ADR. It was appropriate for the non-violent stealing of cattle, resource strife, restitution, and inter-community reconciliation on a voluntary basis. It was not a suitable substitute for prosecution in armed cattle theft, murder, intimidation and robbery with violence. A formal and an informal mechanism functioned primarily in parallel and there was no appreciable statistical relationship between ADR and disarmament and security force deployment. The availability of arms, weak rehabilitation, lack of a monitoring system for recidivism and political mobilisation were further limiting factors for effectiveness, as well as historical injustice and marginalisation. A hybrid justice system is what is needed to maintain community legitimacy and provide effective legal limitations and public accountability for sustainable outcomes.

5.2 Recommendations

The government must develop a legal framework for a Hybrid Community-Policing Justice Model. The framework specifies that non-violent or resource-related offences can be referred to elders/mediation, and serious offences cannot be. The use of structured referral forms, proceedings records in writing and scheduled case review meetings by court, prosecutor, police, elders, and peace committees. Restitution agreements can be written out, supervised and communicated to relevant institutions of justice without exonerating criminal liability in cases of serious offences.

Victim consent and safety should be mandatory. ADR should not be undertaken where there is such a power imbalance or risk of intimidation, coercion or retaliation that it is impossible to engage in the true process of participation. Formal remedies and protection should be retained by victims. The funding of deterrent services for the Probation must be ensured for rehabilitation and development of skills, tracking and supervision of recidivism. Reintegration programmes should feature integration in education, livelihoods and community acceptance as well as restorative processes. Carefully sequence and integrate disarmament, security deployment and ADR. Community discussion and community surrender need to be encouraged wherever possible and authorities should focus on formal enforcement of armed and politically linked networks. The performance of the hybrid model should be evaluated through restitution completion, recurrence of violence, victim satisfaction, prosecution of serious offences and reintegration outcomes.

Declaration of Interest

The authors declare that they do not have any known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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