

# The Judicial Approach Is The Longest Approach To Conflict Management In Kenya.

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**Abstract-** Since time immemorial, the conflict has been part and parcel of mankind's existence. Consequently, mankind has delved into exploring a mosaic of mechanisms, tailored to resolve different kinds of conflicts that may emerge following a disagreement. In the recent decade, the litigation approach to conflict management has gained profound popularity since its utility has been intensified by contemporary societies across the world. Kenya as one of the developing countries has not been insulated from the wrath of different conflicts. It has experienced different types of conflicts that mainly stem from but are not limited to perpetual corruption and impunity; continued marginalization and disenfranchisement of different ethnicities; the emotive land issues among others. In light of this, it has and continues to embrace various methods of conflict management including litigation. Litigation as one of the approaches to conflict management has been largely practised in the Kenyan courts where the disputants are required to argue their differences under the guidance of a perceived neutral third party, say the judge or magistrate. Upon proper evaluation of the case, the judge is expected to issue a verdict that shall bind the disputants. Kenya's justice system is primarily divided into two namely; the criminal and the civil procedures. The former involves cases that revolved around criminal activities while the latter largely focuses on the disputes that stem from different organizations both public and private. The aforementioned procedures involve systematic steps that must be exhausted before the dispensation of justice to the complainant. However, despite the viability and utility of this method to conflict management in Kenya, it has attracted limited and scanty research from legal practitioners. It is against this backdrop that the paper sought to examine its efficacy in conflict management. The paper was embedded in secondary data where legal articles and past and current pieces of literature were reviewed to arrive at the efficacy of the judicial approach to conflict management. The paper recommends among other things the utility of alternative means of conflict resolution given the ambiguity and the cumbersomeness of the judicial approach to conflict management.

## I. INTRODUCTION

The occurrence of conflict can never be ignored entirely in contemporary societies. Since time immemorial, mankind has engaged in various conflicts, especially in the pursuit of his

interests. Consequently, efforts have been made to root out conflicts in a bid to secure a more tranquil society. In light of this, various approaches to conflict management vis-à-vis resolution have been invented by mankind. Regarding this, in recent decades, the legal approach to conflict management has gained influence in various societies including Kenya. This has been largely attributed to the dynamism and complexities of various conflicts. In Kenya, the judicial approach to conflict management has gained a profound pace of development as a result of among other things, the constitutional cultures, statute law and most fondly, soft laws which have been designed to streamline the legal practice. However, despite the streamlining initiatives in Kenya's judicial system, the approach remains an unfavourable, complex and tiresome process.

## Research Methodology

The paper relied on secondary data where the information was drawn from past and current literature including journals, legal publications and books. The data obtained from the secondary sources were analysed qualitatively through desktop review and thematic analysis.

## Conflict Management

According to Kubaso (2017), the inevitability of conflicts has necessitated the need to manage conflicts. Conflict management is one of the frequently utilised approaches to minimise the adversities of conflicts. It involves an alternative means to reduce conflicts before their occurrence, during conflicts and in the post-conflict epoch. It is more elaborative in both conception and utility and it encompasses both conflict resolution and transformation. It includes long-term arrangements, institutionalised structures and regulative procedures for handling conflicts as they occur. From a layman's vantage point, it generally describes efforts to eliminate and neutralise conflicts before they spiral to anarchy.

## The underlying causes of conflicts in Kenya

Kenya like any other country around the world is not insulated from conflicts. It has and continues to witness conflicts in various forms with most going underreported, others being resolved traditionally and others being subjected to judicial settlements (Kubaso, 2017). Among the factors that trigger these conflicts include but are not limited to pervasive corruption and

entrenched impunity, land and development projects, entrenched discrimination and marginalization, the unequal distribution of resources and political exclusion to mention a few.

### **Corruption and entrenched impunity**

The underfunding and the continued undermining of key institutions including the police and the judiciary are seen as a recipe for sustained violence. Regarding this, Kenyans oftentimes blame both local and national political figures, their business allies and crude criminal networks as the major triggers of violence. The failure of the state to resolve the spiralling of small crises is perceived as a form of approval where political leaders are rewarded for their aggression. Most Kenyans are then left with no option given their vulnerability and hence tend to align with political leaders who encourage violence. Without proper justice, people's coping capacity tends to be continued revenge which further acts as an impetus to further conflicts. Kenya's feebleness as a state largely stems from the inequitable policies and endemic corruption which have crippled security institutions including the police. Corruption through bribery, especially to break the existing rules has weakened the country's ability to cope with the continued violence (Akech, 2011).

### **The issue of land and development projects**

Boone (2012) posits that land remains one of the most highly emotive issues in the country and remains one of the key drivers of many interacted conflicts in Kenya. This is attributed to the over-dependence on land for socio-economic survival by the majority of Kenyans coupled with the scarcity and uneven distribution of this precious commodity. The inception of changes in climatic patterns has deteriorated most available lands that are used essentially for agricultural production thus, a potential contributor to the persistent conflicts in the country, especially among the pastoralist communities. Not much has been done to address among other things the inequality in ownership and accessibility of the commodity. The acquisition of large tracts of land for developmental projects coupled with the internal migration of certain ethnic groups has created a fertile ground for conflict escalation, especially in the Coastal region. Mega projects initiated by the government in different parts of the country have oftentimes created conflicts with others ending up in the corridors of justice given their insensitive delivery. Further, inadequate knowledge and lack of transparency in the establishment of wildlife conservancies have been fuelling tensions, particularly among the pastoralist communities (Boone, 2012). Again, inadequate accessibility of land is also attributed to the increased gender-based violence as it places women in a more vulnerable condition.

### **Continued marginalization and discrimination**

Recently, unemployment, horizontal inequality and highly centralised ethnically-based politics among others have been regarded as some of the underlying drivers of conflicts in Kenya. Consequently, this has culminated in the persistent marginalization of certain ethnicities. For instance, Kenya's aggressive mobilization of Islamist and militancy are chiefly influenced by local conditions. This disenfranchisement is deeply rooted in years of disenchantment, disaffection and resentment Muslim community. Coupled with the continued extra-judicial

killings and indiscriminate harassment of suspects, many Muslims feel that their fundamental human rights have been denied by the government. Apart from this, marginalisation has also manifested in the unequal distribution of the national cake including the developmental projects that in turn have continued to fuel the existing tensions and conflicts, most importantly in the marginalized areas (Obala & Matingly, 2014).

### **Remedies for the conflicts**

Kenya is cognizant of the potential threats posed by various conflict typologies. Both resolution and management of these existing conflicts have been mixed. The country has come to embrace both the traditional conflict resolution mechanisms and the modern ones which are strictly guided by international legal norms as well as national laws. In light of this, Kenya has proudly adopted and anchored in its constitution, the alternative means to dispute resolution including mediation, negotiation, arbitration and reconciliation as viable tools for conflict management in the country. Further, it has also embarked on judicial reforms to streamline the national justice dispensation to the victims of conflicts as epitomised in the promulgated 2010 constitution. However, the paper sought to explore the judicial approach to conflict management since it has gained momentum in recent decades (Akech, 2011).

### **Judicial Approach to conflict management in Kenya**

It is one of the approaches to conflict management. This approach utilised socially recognised institutions with vested legitimacy to resolve conflict. It involves the shifting of resolution mechanisms from private to public realms, epitomised by the disputants hiring lawyers to argue over their cases. The approach is guided by a legal framework in which a third party is vested legitimacy based on the confidence and trust of the third party (the judge) by the disputants to assume the responsibility of reaching an agreement. It is purely legalistic and requires legal procedures which may vary from time to time. Ultimately, it offers zero-sum and win-lose results. Notably, disputants age oftentimes reluctant to pursue a judicial approach given the unpredictability of the outcome (Kubaso, 2017). While making a final decision on the dispute, the judge is guided by the nature of the case, values and legal statutes. The third party is bound to make a decision that is binding and enforceable.

### **The applicability of the judicial approach in Kenyan conflicts**

As posited by Chibamba *et al*, (2019) since the promulgation of Kenya's constitution in 2010, the justice system has and continues to witness a paradigm shift. The constitution through Article 159 provides a fertile ground for the thriving of Kenya's justice system. Specifically, it gives a derivative people's power to the judicial authority which is exercised in the Kenyan courts. Further, the sub-Article underscores the following guiding principles that should be utilised by all courts including the locally established tribunals. Among the principles are; doing justice to all irrespective of status; justice dispensation without delay; justice administration without the hindrance of procedural technicalities and providing room for alternative dispute resolution including negotiation, mediation, traditional approaches to conflict and arbitration. Most importantly, the Kenyan courts have now embraced the exhaustion principle which allows litigants to adopt

legal remedies through dispute resolution as embedded in statutes, for instance through tribunals before proceeding to the Court. Notably, litigation in recent times has incorporated a range of issues including land and environment, employment and labour relations as well as ambiguous commercial litigation to mention a few.

### **The structure of Kenya's justice system**

Kenya's court system is primarily divided into two namely the criminal and civil laws. The judiciary is one of the arms of government, established under the 2010 Constitution as underscored by Chapter 10 to be the custodian of justice. The judiciary through its mission is determined to dispense justice in a timely, fairly, accountable and transparent manner while embracing among other things the rule of law, the advancement of the indigenous methods of conflict management and most importantly, safeguarding the constitution. The judiciary has bequeathed legitimate power from the people and is expected to exercise such powers per the Constitution. Kenya adopted a decentralised justice system with the operations of the courts in two layers namely; apex and subordinate courts. The decentralisation of the courts is manifested in the respective roles that they play while executing justice for the Kenyan people (Tayob, 2013). The Supreme Court is birthed under Article 163 of the Constitution and it is constituted of seven judges, the president, deputy and other five judges. Article 165 established the Court of Appeal comprising 150 judges and enjoys jurisdiction over criminal and civil matters. The High Court is tasked with the role of interpreting the constitution, and hearing and determining the appeals stemming from subordinate courts and tribunals. The court comprises seven distinct branches namely; family, land and environment, Commercial constitutional and Judicial Review. Further, Article 169 established subordinate courts which comprise the Kadhi's Court, Magistrate Courts, Martial Court and any other tribunal established under an Act of Parliament.

### **Kenya's Judicial Process**

The legal system is anchored on English Law, Islamic Law, and Statutory and Customary Laws. The system has metamorphosed from English law to the current system while exhibiting adaptation to the dynamism of social, economic and political trends. Notably, Kenya's justice system has incorporated the aforementioned laws and is largely divided into two namely; the dispensation of justice on crimes as well as civil conflicts. Therefore, the judicial process involves mainly criminal and civil processes. These processes are strictly guided by the existing laws thus, making the judicial approach to conflict management the longest process.

### **Criminal Procedure**

Kenya's criminal justice system involves a myriad of actors with specific functions and mandates in managing those that violate the law of the land. These actors include but are not limited to the police who are tasked with the responsibility of probing and executing an arrest of the suspected criminal; the Judiciary which ensures effective dispensation of justice to the victim and the Prison service which deals with rehabilitation, reformation and reintegration. In this judicial procedure, the police play an instrumental role as the entry point for suspected criminals to the

criminal justice system. Among the roles they play include the complain receivership, execution of arrest of the accused persons, probing of cases and most importantly the drawing of charge sheets. The procedure is essential in addressing conflicts that stem from acts of crime (Tayob, 2013).

Conflict management that adheres to this procedure must adhere to key steps before resolution. For instance, when a dispute arises between two or more conflictive parties, the party that feels injured in the event of the dispute may decide to seek justice. This will begin with the reporting of the matter to the relevant authorities, particularly the police followed by a statement recording. Upon informing the police, an investigation is launched which may take time and may lead to the arrest of the suspect. Immediately after the arrest, the alleged suspect is remanded in police custody for a while and awaits the court process. This again may take time, depending on the nature of the investigation by the police (Diehel & Regan, 2015). The next step is the arraignment to court where the dispute is argued between the accused and the plaintiff in the presence of a perceived third party (the judge or the magistrate). Upon listening to both sides, the judge or the magistrate re-examines the case and issues a binding verdict. The outcome is always a win-lose result. The verdict may seek among other things to send the accused to prison, demanding compensation for the victim. However, when done in a subordinate court or High Court, the aggrieved party may decide to appeal the verdict, particularly in the Court of Appeal thus delaying the administration of justice.

### **Civil Procedure**

It is largely restricted to court cases of more than two disputants, entities both public and private that are prosecuted either privately or publicly. This procedure requires the plaintiff, a person suing to cater for the prosecution cost, especially in criminal cases where the government of the prosecuting party. Among the conflicts solved by this judicial process include but are not limited to claims of defamation, violation of contract, assault, negligence and battery. Civil procedure is characterized by the longest process before the dispensation of justice as demonstrated below.

### **Interview of the client and the pre-trial preliminary consideration**

This is the foremost step in conflict management and it involves the interrogation of the client. This serves the purpose of building a solid relationship between the client and his/her advocate, familiarising them with the objectives of the client, and his know-how about the factual information of the conflict and minimising the anxiety of the client. Notably, during the pre-trial, the law and facts surrounding the case are explored and examined. This stage focuses on the identification of mechanisms of a course of action. The mechanisms must be proven during a trial to necessitate the plaintiff to sail through. Further, the foremost pleadings must identify facts that will subsequently support the course of action to be pursued.

### **The Demand Letter**

It is considered one of the crucial stages in civil procedure and is triggered once a course of action has been settled. A formal notice is served to the addressee to execute certain legal

obligations including problem rectification, paying a fee, and adhering to commitment on certain terms among others. The letter oftentimes offers an opportunity for the recipient without the court arraignment. Notably, some civil proceedings require this letter to be a must and a matter of law. The letter is served before the commencement of the case to give the adversary a specific period to respond to the demands. Order number 3 of Civil Procedure Rules, 2010 has made the demand letter a compulsory document.

### **The mannerisms of the Court approach**

The commencement of legal proceedings is initiated when a plaintiff complains to a court of law. Civil proceedings require the absolute information that allegedly ascertains the rising of liability. Such pleadings are written statements served to parties to the conflict. Normally, the statement entails the nature of the case and substantial facts that support the claim.

### **Filing of documents**

Civil procedure rule number 3, and order number 3 require the keeping of all civil suits at every registry. The details of every suit shall then be filed and incorporated into the register. The rule further demands that every plant with supporting documents including a list of witnesses, their statements, and the demand letter among other relevant documents shall be presented to the registry together with any prerequisite fees and shall be date-stamped to showcase the specific filing date of the suit. Generally, the plaint is used to explain the basis of a lawsuit and it is widely used to initiate civil suits. It serves several purposes including the identification of the plaintiff and defendant vis-à-vis their status and their ability to sue or to be sued, offering vivid description and facts of the lawsuit, it can as well makes a request or demand for relief by the court if need may be. Most importantly, it stresses the jurisdiction of the court over the case.

### **Issuance of Service of Summons**

Imperatively, upon the filing of a suit, the summons is normally issued to the defendant to appear and be answerable to the Court. It is normally prepared by either the advocate of the plaintiff or the plaintiff himself and is filed with a copy of the plaint. It must be signed and sealed by the court through a judge or any other officer designated by the court within 30 days. It shall then be collected for service within 30 days and remain relevant for a period not exceeding one year. In a scenario where summon has not been served, the court is mandated to extend its validity as it deems appropriate. An affidavit of service shall be filed to demonstrate the attempts made at service vis-à-vis their results. If such an application is not made, the court is at the discretion to dismiss the suit upon expiry of a period not exceeding two years from the issuance date of the original summons.

### **Responding to pleadings**

This stage involves the writing of a defence statement, striking of our pleadings, notification of the third party, and application of the interlocutory. To begin with, the defendant is expected to present a pleading statement to counter the allegations raised by the plaintiff. This statement indicates factual opinions used by the defendant to argue his/her case. It is also useful in informing the plaintiff on the magnitude of the claims the defendant relied upon to dismiss the claim of the plaintiff.

Secondly, the court at any given time may order the elimination or the amendment of any pleadings, especially when it is deemed unnecessary, scandalous, frivolous and most importantly when such pleadings are found to prejudice and delay the attainment of a fair trial or when found to abuse the court's process (Mancini, 2013). Thirdly, in a scenario where the defendant has claimed against another party who is not in the court during the proceedings but is entitled to contribution, any relief emanating from the court and is related to the original suit a d which may be similar to the relief or remedy claimed by the plaintiff or that the issue in court is connected to the subject matter of the suit is the same question emerging from both the plaintiff and defendant and requires proper determination between the defendant and third party.

The defendant is obligated to the court's chamber summon application support by an affidavit within two weeks after the closure of the proceedings for the leave of the court to serve a summon notice to a third party. Fourthly, interlocutory applications can be made and it mainly deals with the rights of the disputants from the commencement of civil action and its final determination. Such application ensures the expeditious proceedings of the case until trial. Specifically, a party may seek an extension of time that surrounds certain documents and ultimately seeks direction from the court concerning the conduct of the court or even pressurise the other party to comply with the rules and conduct of the court (Khalid & Thompson, 2013). Among the most made applications include those that seek the extension of time, an application for a better understanding of the particulars of the case, and an application to strike out certain pleadings of the case vis-à-vis their amendments to mention a few.

### **The Hearing and the repercussions of not attending the proceedings**

Imperatively, failure by the parties to attend the case leads to its dismissal. In a scenario where only the plaintiff attends and notice of hearing was served sufficiently to the defendant, the case may proceed "ex parte ". However, in a scenario where the notice was not adequately served, the court is at the discretion to serve a second notice or if the notice was not served in time, the court may decide to postpone the hearing. If on the hearing date, only the defendant appears before the court and denies the allegations laid on him/her, the case shall be dismissed unless good cause is shown (Mancini, 2013).

### **The case confirmation and pre-trial directions**

This stage is applicable in all suits except the little claims made. This process aims to deal with primary issues that surround the case so that the trial once initiated proceeds without delay and unnecessary interruptions. The stage also focuses on the allocation of time for every party to ascertain the specific amount of time that will be apportioned to the respective parties during the subsequent hearings. Notably, this is done 30 days after the closure of the proceedings. Upon the completion of hearings, the court is obligated to pronounce its judgement over the case. The court may as well issue a decree, a technical translation of the judgement with the ability to execute. For instance, in the High Court, the parties themselves are entitled to draw a decree and transfer it back to the specific court for sealing.

## Execution and the Decree of Orders

The court may, upon the application of the decree-holder, order the implementation of an order. Such orders may include the arrest, detention in prison of any person by appointing the receiver or in a manner that is required by the relief. If the holder of the decree desires to execute, he/she must first apply for the execution order from the court that offered the verdict or the court that the decree is directed for execution. This stage is oftentimes succeeded by appeals, especially if the aggrieved party is dissatisfied with the verdict. The appeal stage permits the appeal of any decree unless when barred by certain provisions of the law. Appealing orders that are not on the list require the aggrieved party to seek a leave of the court. In the first instance, the application for the leave should be made to the court which made orders being sought to be appealed against (Yuval & Harel, 2006). For instance, appeals from the High Court are filed by depositing a memorandum of the appeal which is set in the same manner as those of pleadings. However, the appeal does not operate automatically as a statutory execution. Even if it has been deposited and all parties served, the decree-holder can still proceed and apply for execution. Any court appealed from may for exhaustive cause order the stay of such decree (Glinz, 2011).

## The Review of the Case

As conceived by the Civil Procedure Act, a review is the judicial re-examination and re-evaluation of the case by the same judge under certain circumstances. Section 80 of the Act gives the due right of the review while order 45 provides the procedure to be followed. A person dissatisfied with the orders is allowed to apply for a review. The grounds for review are thus the reinvention of new and significant matters of evidence that the respective court had not while making its final judgement, it also highlights the mistakes that may have been incurred during the hearing and the determination of the case.

Most of the civil conflicts in the country that are resolved using the judicial approach must undergo the above-described process. Such an ambiguous process tends to be time-consuming and it may take a longer period to achieve justice for the victim. Most importantly, the process proves that indeed judicial processes, especially civil procedure are the longest approach to conflict management and it requires a lot of patience. As a result of this, the government through the judiciary normally encourages the out-of-court settlement of certain conflicts and only admits to resolving a conflict if the alternative means of conflict resolution has been exhausted. Similarly, criminal procedure is yet another hectic judicial process that involves several stages that must be followed before the issuance of the final judgement.

## II. SUMMARY OF BOTH CRIMINAL AND CIVIL PROCEDURES

To begin with, criminal procedure as one of the judicial approaches to conflict management is guided by the existing laws both national and international. Generally, it is initiated when a complain has been launched by the most affected party of the conflict. The victim reports and records such complain to the relevant law enforcement institutions. This will be followed by the launching of an investigation which may lead to the arrest of the accused party. Upon the completion of investigation, the accused is then arraigned in court, informed of the accusations and given a

chance to defend himself/herself. When pleaded guilty, the perceived neutral third party (the judge or magistrate) is obligated to issue a verdict that will lead to sentencing of the accused to imprisonment or other forms of punishment that may be deemed appropriate by the judge. However, when dissatisfied by the verdict, the accused is allowed to appeal the case in the Appeal Court. According to this approach, justice and conflict is settled when the accused is found guilty and accorded appropriate punishment.

Civil procedure is closely related to criminal procedure. However, it mainly used to address civil conflicts that may rise within an organisation and between individuals. It is also guided by the existing laws of the land, particularly the Civil Procedure Act which contains rules and orders that guide the process. Notably, as discussed, this approach is the longest of all and it requires patience for the administrative of justice. As a result of its complexity, the Kenyan government has embarked on robust reforms in the justice system to complement it with the out-of-court settlement of disputes, especially with full utilization of the alternative approaches to dispute resolution.

## III. CASE STUDY: LAND LITIGATION PROCESS IN KENYA

Land litigation is a formal judicial process that allows for full examination and determination of all the conflictive issues that surround the land dispute between the parties embroiled in land-related conflicts. Normally, the parties are offered a chance to argue their case before a perceived neutral third party, a judge or a magistrate before a court of law. The decision is made based on the provided factual arguments by the disputants. A verdict or the final decision of the court may bring to an end the litigation process and the ultimate verdict arrived at will proceed to enforcement as ordered by the court. However, the loser, in this case, the aggrieved party when dissatisfied can proceed to the higher court (Court of Appeal) and may be forced to pay for the entire cost of the lawsuit as well as catering for the financial expenses of the other party's advocates. In Kenya, land-related disputes are confined to the civil court's registry of a lower court including the magistrate's court or Environmental and Land Courts. The designation of any land-related disputes in the aforementioned courts is largely dependable on the monetary value of the disputed land. The filed complaint is a way of lodging grievances to the court of law based on factual claims. The plaint reveals the legal course of action and the relief they need for the court against the offending party (Chiuma & Ojielo, 2013).

In as much as the land-related disputes in the formal courts' system have tremendous benefits including allowing the aggrieved party to appeal against the decision made by the other court, the process continues to be impeded by numerous challenges including but not limited to the following; the delayed court process: following the wider recognition that certain disputes can best be resolved out of the court through other alternative means to dispute resolution including negotiation, mediation and arbitration, the continued long delays in the corridors of justice pose a real threat to the administration of justice this, delaying what ultimately denying the justice sought. The inefficacy of Kenya's legal system and its inability to offer expeditious and affordable justice remains on the radar notwithstanding the ongoing reforms in the justice system, particularly the judiciary.

The judiciary has been faced with the challenge of a backlog of cases which in turn has magnified the lack of adequate trust and confidence in Kenya's judicial system by most Kenyans (Mancini, 2013). Further, the judiciary has been seen as a theatre of corrupt practices. The judiciary is largely seen as not being autonomous despite the constitutional provisions of the separation of powers, it is still seen as a tool of manipulation and the defender of the state power. Additionally, the bribery of both the judges and the clerks have been entrenched in the judiciary which serves the purpose of manipulating the dispute in favour of those with a little token. These among other challenges have and continue to make a judicial approach tiresome, time-consuming and unpredictable.

#### IV. CONCLUSION

In conclusion, conflicts remain inevitable in the country. In response, the country has responded in a myriad of ways including the utilisation of both the traditional and judicial approaches to conflict management and resolution. The latter has been utilized to resolve disputes that mainly arise from crimes and civil misunderstandings. Notably, the government has embarked on vigorous judicial reforms to streamline this approach to accommodate more Kenyans who prefer this approach to the traditional ones. The ambiguity of the judicial approach to conflict management is manifested in its strict adherence to existing laws that guide both civil and criminal offences. Further, it involves several stages that must be followed to the latter before the final dispensation of justice to the victims of the conflict. As discussed, both criminal and civil procedures involve a myriad of actors and a wide range of issues that must be taken into consideration before issuing a final judgement or a decree by the neutral third party (the judge or magistrate) of the court of law.

#### V. RECOMMENDATIONS

##### **The paper recommends the following;**

Judicial reforms; the Kenyan government alongside other relevant stakeholders in Kenya's justice system should embark on vigorous judicial reforms through legislating on policies and laws that may be used to strengthen Kenya's judiciary. This would ensure among other things expeditious dispensation of justice to victims of criminal acts as well as those involved in civil disputes. Funding of Kenya's justice system and allocation of enough manpower; for effective functionalities of the Kenyan courts, there is a need to intensify the funding through the proper and timely allocation of funds to the judiciary. Additionally, more qualified judges and magistrates should be employed regularly to help in easing the case backlogs that have plagued Kenya's justice system for a long time.

Taking Courts closer to the people; a lot of Kenyans normally spend a lot of money including transportation costs while seeking justice. Regarding this, the Kenyan government should build more courts in all corners of the country to enable easy access to justice and to prevent the incurrence of additional and unnecessary costs, especially transportation and logistical costs

Embrace the alternative means of conflict resolution; owing to the cumbersomeness, tiresome and ambiguity of the judicial

approach to conflict management, there is an urgent need by the Kenyan government to fully embrace through legislation, other means of resolving conflicts such as mediation, negotiation and reconciliation. The "out-of-court" settlement should be fully embraced to ensure a speedy dispensation of justice to the respective victims.

Uphold the culture of constitutionalism and good governance; the constitution provides among other principles, the separation of powers. Regarding this, there is a need to fully embrace this principle which will restrain the three arms of governments; the executive, legislature and judiciary from interfering with each other. Regarding governance, the judges and magistrates should refrain from corrupt practices that may jeopardize the effective dispensation of justice to Kenyans.

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