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# **NAKURU COUNTY**

## **AJS ACTION PLAN**



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**UNODC**

United Nations Office on Drugs and Crime



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## Abbreviations

|              |  |
|--------------|--|
| <b>AG</b>    | Attorney General                                     |
| <b>AJS</b>   | Alternative Justice System                           |
| <b>CAP</b>   | County Action Plan.                                  |
| <b>CGK</b>   | County Government of Kajiado                         |
| <b>CSOs</b>  | Civil Society Organizations                          |
| <b>CUC</b>   | Court Users Committee                                |
| <b>DCS</b>   | Directorate of Children Services                     |
| <b>DIHR</b>  | Danish Institute for Human Rights                    |
| <b>DPP</b>   | Director of Public Prosecution                       |
| <b>IDLO</b>  | International Development Law Organization           |
| <b>FAO</b>   | Food and Agriculture Organization                    |
| <b>FBOs</b>  | Faith Based Organizations                            |
| <b>KJA</b>   | Kenya Judiciary Academy                              |
| <b>KNCHR</b> | Kenya National Commission on Human Rights            |
| <b>LRF</b>   | Legal Resources Foundation                           |
| <b>LSK</b>   | Law Society of Kenya                                 |
| <b>MAGs</b>  | Mainstreaming, Acceleration and Guidelines           |
| <b>NaSCI</b> | National Steering Committee                          |
| <b>NCAJ</b>  | National Council on the Administration of Justice    |
| <b>NGAO</b>  | National Government Administration Office            |
| <b>NGOs</b>  | Non-Governmental Organizations                       |
| <b>NLC</b>   | National Land Commission                             |
| <b>OAG</b>   | Office of the Attorney General                       |
| <b>ODPP</b>  | Office of Director of Public Prosecution             |
| <b>PMMU</b>  | Performance Management and Measurement Understanding |
| <b>SWOT</b>  | Strengths, Weaknesses, Opportunities and Threats     |
| <b>UNDP</b>  | United National Development Program                  |
| <b>UNODC</b> | United Nations Office on Drugs and Crime             |

# Foreword

One of the core principles laid down in the Constitution to guide the administration of justice and the exercise of judicial authority, is the requirement to embrace alternative forms of dispute resolution, including traditional dispute resolution mechanisms. Despite the existence of courts, a great majority of cases are resolved through justice systems that are outside the confines of the court process. This is the reason the Judiciary developed the Alternative Justice Systems Policy. The AJS Policy, among other things, aims to “unleash the transformative potential of Alternative Justice Systems [while] embracing sociological and situated jurisprudence required by the Constitution” as Chief Justice David Maraga stated in the Foreword to the AJS Policy. The AJS Policy frames Article 159(2)(c) as a platform for social innovation at its most remarkable as a transformative space for vivifying access to justice in this country while reversing structures that lead to gender oppression, social injustice; cultural domination; distributive and social justice and other forms of oppression. The AJS Policy is, thus, a tool for accelerating social transformation through access to justice in line with Chief Justice Martha Koome’s blueprint for the Judiciary.

The National Steering Committee for the Implementation of the Alternative Justice Systems (AJS) Policy (NaSCI-AJS), appointed by the Honourable Chief Justice and gazette on 9th December, 2020 by Chief Justice has been tasked to lead the implementation of the AJS Policy. Among the key strategies NaSCI-AJS has adopted in leading the way in unbundling the meanings of Article 159(2)(c) of the Constitution of Kenya, is to roll out the AJS Policy throughout the entire country with the aid of devolution as a value and logic. The primary approach is through the development and implementation of County AJS Action Plans (CAP). This is a 12-step process that entails creating awareness to the general public, sensitization to strategic actors, training of strategic AJS champions and finally development of the action plan. Ultimately, the Committee suggests that each County CUC should lead a process of developing a County AJS Action Plan. Such an action plan marks the start of a unique innovation in including citizens and communities in advancing access to justice and making use of Kenya’s devolved system of governance and public participation. The AJS County Action Plans are inspired by and aligned to the AJS Policy.

It is my privilege and honour to present the first AJS County Action Plan since the NaSCI-AJS officially began the implementation process. This pioneering AJS County Action Plan attests to the fact that social transformation and justice are only possible when people of diverse opinions and life experiences are able to come together for respectful and constructive conversations about social and distributive and other forms of justice. The key innovation in the Nakuru CAP is the Nakuru AJS Model - a grand hybrid model with five layers proposed to handle civil, criminal and land cases. The Five Tier Model has the following elements:

- The Court Users Committee will serve as the Policy Making body for the model.
- The CuC AJS Working Group will serve as the Governance body. Among its key roles would be to approve affiliation requests for autonomous AJS Mechanisms.
- The AJS Secretariat will serve as the Technical body (to collect information, process it, documentation, and process affiliation)

- Affiliated Autonomous AJS Mechanisms and a Court-Annexed AJS Mechanism is the next layer. These will be the actual forums where disputes will be resolved. Among targeted autonomous AJS Mechanisms are councils of elders in the rural parts of Nakuru who will be deciding land cases as well as AJS Mechanisms supported by the County Government to resolve the problem of land distribution among the Land Buying Companies in Nakuru County as well as autonomous mechanisms supported by Civil Society Organizations such as ICJ-Kenya; FIDA-Kenya; and Legal Resources Foundation.
- The last layer will consist of unaffiliated AJS Mechanisms which will form the catchment area for the AJS Secretariat to influence to apply for affiliation.

The Nakuru AJS County Action Plan marks an important milestone in the implementation of the AJS Policy. The NaSCI-AJS aims to facilitate the development, launch, and implementation of AJS County Action Plans for all 47 counties in the next three years. As the NaSCI-AJS continues to attain an upward trajectory in the implementation of the AJS Policy and achievement of the set targets, we remain grateful for the enormous support (both technical and financial) we have received from the Government, development partners and other external stakeholders including Civil Society.

I wish to thank the Members of the Nakuru Court Users Committee AJS Working Group for working tirelessly in developing the Nakuru CAP. I also wish to convey my gratitude to Mrs. Jemimah Aluda and Mr. George Theuri for their technical support in the development of this County Action Plan amidst competing priorities.

**Joel Ngugi, LL.M, SJD, MBS**

**Presiding Judge, Nakuru High Court &**

**Chair, National Steering Committee for the Implementation of the Alternative Justice Systems Policy (NaSCI-AJS)**

# Acknowledgement

The Nakuru AJS County Action Plan has been developed pursuant to Articles 11 and 159 (2)(c) of the Constitution. The County Action Plan is rooted in the initiatives of the judiciary to promote alternative justice systems through the Chief Justice's strategy of enabling multiple door approach to expanding access to justice and realized through devolved units. According to the Chief Justice, the desirability and utility of this approach is that it has the possibility to address the concerns around the cost-effectiveness and speed of dispute resolution.

The National Steering Committee on Implementation of Alternative Justice Systems Policy (NaSCI-AJS) wishes to convey its sincere appreciation to the United National Office on Drugs and Crime (UNODC) for the partnership and support through provision of expert assistance and guidance throughout the development process.

I acknowledge the invaluable contribution of our internal and external stakeholders for their valuable input throughout the process; their views, critique and contributions enriched the development of these guidelines,

I recognize and convey my sincere gratitude to the NaSCI AJS Committee members and the able stewardship of Dr. Steve Akoth, the Vice Chair, for their direction and personal commitment in guiding the development of the CAP.

Last but not least, may I make special mention of the critical role and unwavering dedication of the members of the Nakuru CUC Working Group on AJS, led by the Chairperson Hon. Lilian Arika (Judiciary), Charles Langat (RVLS), David Mongeri (RVLS), Njeri Githae (RVLS), Lenna W. Maina (ODPP), Elena Kabukuru (Sub County Police Commander), Mary Muhoro (Nakuru Women Prison), Scholastica Kongani (Probation and Aftercare) Werre Simiyu (DCC Nakuru East) Florence Gachichio (LRF) Alice Wanyonyi (Department of Children Services) Kioko Kivandi (Egerton University) George Abuto (County Labour Officer) Maureen Litunda (County Government) Kosiom

Kibelekenya (NLC) Irene Cheptum (ACC) Bishop Daniel Gitau (Inter-Faith) Sheikh Juma Abdul (Inter-Faith) Francis Kariuki (Elder) Derrick Nyaga (Nakuru Police Station).

The technical expertise by the NaSCI AJS Consultants- Jemimah Aluda and George Theuri is greatly appreciated.

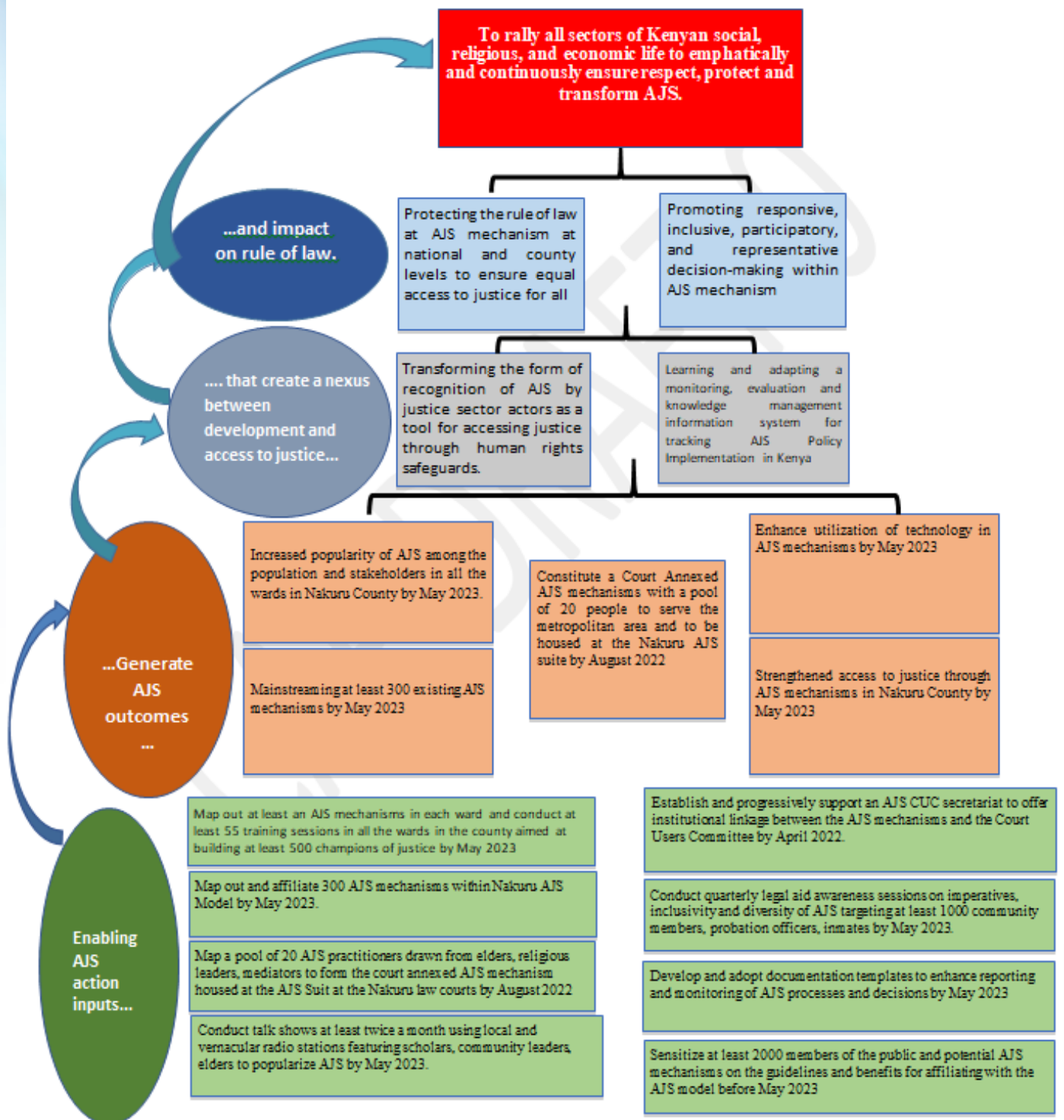
To all those who contributed either directly or indirectly to the successful development of the Nakuru County Action Plan and Nakuru AJS Model and have not been mentioned in this acknowledgement note. As we commence, I hope to have you all on board the train as we implement the CAP.



It is my hope that the CAP will contribute immensely to effective, efficient and expeditious dispensation of justice to the people of this great nation.

**JUSTICE (PROF.) JOEL NGUGI**  
**JUDGE OF THE HIGH COURT OF KENYA**  
**CHAIR- NASCIAJS**

# Nakuru County AJS Impact Chain



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# CHAPTER ONE: BACKGROUND INFORMATION

## 1.0 Introduction

One of the core principles in the Constitution to guide administration of justice and the exercise of judicial authority is the requirement to embrace alternative forms of dispute resolution, including traditional dispute resolution mechanisms. Article 48 of the Kenyan Constitution guarantees access to justice to all persons in Kenya and if any fee is applicable, then it should be reasonable and not impede access to justice. Article 6 of the Constitution provides for Devolution and Access to services for the Kenyans through a devolved government structure making justice a shared responsibility for both the National and County Governments through mutual relations.

The question of access to justice in Nakuru County is synonymous with most counties in Kenya; it is a critical pillar for poverty reduction and sustainable development. Unfortunately, majority of Kenyans have largely been unable to access justice owing to a myriad of reasons including; social-economic, legal and political factors. They also remain largely unaware of their legal rights and possess inadequate knowledge of the court system and face unending frustrations in their quest for access to justice.

According to the Hague Institute for Innovation of Law and Justice Index, an average Kenyan needs around 80 dollars to access justice through the court system. The estimate is relatively modest given that the actual cost of accessing courts differs based on a case-to-case basis. The proportions of Kenyans living below the international poverty line of USD \$1.90 is 36.1% based off 2015/2016 data. Justice then becomes unattainable for most Kenyans., The judiciary is vested with the responsibility of interpreting the law, and ensuring that every judicial process delivers justice expeditiously to all without discrimination.

As it is the case in most counties in Kenya, Nakuru County has a blend of rural and urban settings both of which have different manifestation for justice questions. Although a good number of justice questions are cross cutting, there are some that are region specific and localized to a particular population. For instance, Nakuru has a growing challenge of urban violence, due to

1. Robins, Simon (2009). "Restorative Approaches to criminal justice in Africa. Institute for Security Studies." The theory and practice of criminal justice in Africa. African Human Security Initiative Monograph 161.

2. 2010 Constitution of Kenya

3. Hague Institute for Innovation of LAW, Justice Needs and Satisfaction in Kenya, 2017.

4. 17th edition of Kenyan Economic Update

5. Makau, 'Factors Influencing Management of Case Backlog in the Judiciary', unpublished LLM thesis, University of Nairobi, 2014, 2

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rapid urbanization and the rapid mushrooming of densely populated urban informal settlements; cases of acute deprivation and low access to basic services such as education and healthcare, high unemployment incidences, feelings of inequality, marginalization and exclusion has facilitated the emergence of violent crimes in the urban centers.

The court system has proven inadequate due to its inefficiency. This is evidenced by the case backlog that is exponentially growing in the courts. For instance, since the establishment of the Environmental and Land Court in Nakuru in 2012, 3,098 cases were registered by 2018. Among these 1,218 had been resolved while 1,815 were still pending 705 of which had lasted for more than five years. Evidently, courts have been unable to compete with the growing cases that need their attention hence impeding access to justice for a majority of citizens who need their matters heard expeditiously.

In order to respond to provisions of Article 48, the Judiciary is mandated under Article 159 (2)(c) to promote traditional dispute resolution mechanisms. Article 159 in the Constitution is partly about public participation, but more about access to justice through traditional or informal dispute resolution systems. In fact, seeking judicial remedies outside the formal courts is older than the Constitution of Kenya (2010). What the constitution has done is to formally to recognise these mechanisms, enjoining courts and other adjudicating authorities to promote and encourage reconciliation, mediation, arbitration and other alternative dispute resolution methods in settlement of disputes. The imperatives of the alternative justice systems respond to the inefficiencies of the court systems. Alternative justice systems is are flexible, cost efficient, time effective, decongests the courts, non-adversarial in nature and it is preventative.

## 1.2 Overview of the County Action Plans

The development of the County Action Plan is rooted in the initiatives of the judiciary to promote alternative justice systems through the Chief Justice's (CJ) strategy of enabling a multiple door approach to expanding access to justice and realized through devolved units. According to the Chief Justice, the desirability and utility of this approach is that it has the possibility to address the concerns around the cost-effectiveness and speed of dispute resolution. Further, the CAP responds to the Chief Justice's vision of expanding social transformation through access to justice. In that vision the CJ promises to deliver a judiciary that is independent, efficient, accessible and responsive to the aspiration of Kenyans and a true guardian of the law.

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6. Onserio Michelle Nyaboke, "Accessing Justice in Kenya: An Analysis of Case Backlog in Nakuru Environment and Land Court," Research done in a dissertation submitted in partial fulfillment of the requirements of the Bachelor of Laws Degree, Strathmore University, Research done in 2018.

7. Ibid.

8. Deborah H. Isser, Stephen C. Lubkemann, and Saah N'Tow, *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*, Peaceworks No. 63 (Washington, DC: United States Institute of Peace, 2009).

9. Ibid.



The vision is borne out of the reality that justice is cross-cutting; broad and multi-faceted and should therefore expand doorways of justice to secure social transformation. In that spirit, Counties as devolved units are called upon to constitute a coherent and inclusive Court Users Committees to lead the county action development process to advance AJS and unbundle the contents of the Baseline and Framework Policies.

As it is the case with the AJS Baseline and Framework Policies, this document is a living document subject to periodic review. Nakuru takes prestige in being the first county to develop an AJS CAP and the process will trigger a unique innovative process of including citizens and communities in dispute prevention and resolution utilizing the Kenya’s devolved system of governance and public participation. The AJS CAP allows citizens and institutions to get involved and to emphatically and continuously ensure they respect, protect and transform AJS and aims, in order to expand the pool of individuals that and groups who access justice in Kenya. To attain this end, the county plans to rally a broad section of Kenyan stakeholders to seek specific Operational Outcomes, guided by clear Objectives and Key Results (OKRs). The CAP is then bound by the dictates of the human rights framework of Protect, Respect and Transform to ensure inclusion of actors across a broad spectrum of skills and opportunities.

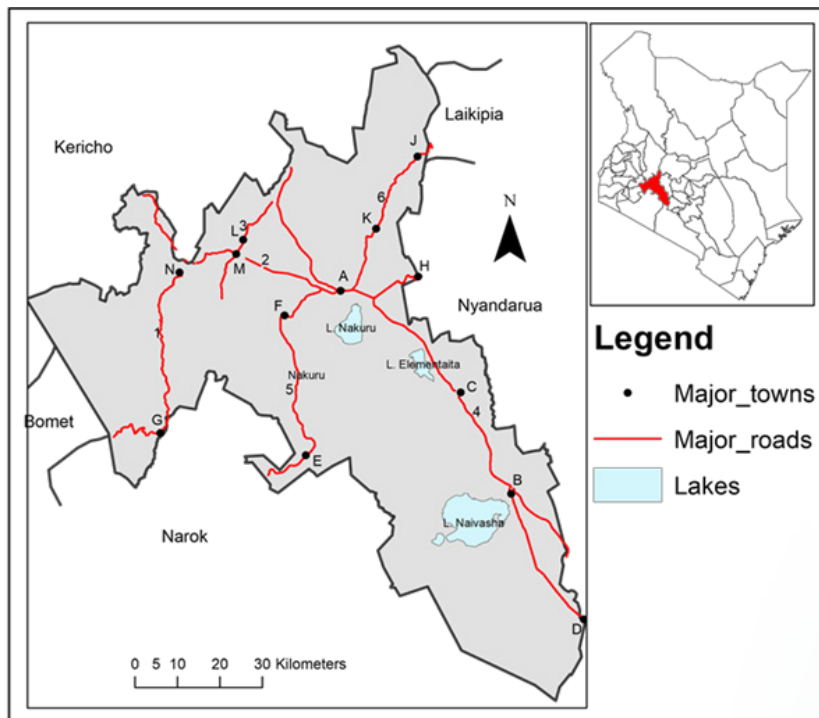


Figure 2: Map of Nakuru County

### 1.3 The Aim of the County Action Plan

Each county will seek to localize and pursue the singular aim of the Baseline and Framework AJS policy and the mandate that the chief justice has given the National Steering Committee on Implementation of the AJS Policy namely:

1. **Objective 1:** To rally all sectors of Kenya’s n social, religious, political and economic life to emphatically and continuously ensure they respect, protect and transform AJS.
2. **Objective 2:** to expand the pool of individuals that groups who access justice in Kenya
3. **Objective 3:** To socialize the AJS actors three typologies of Autonomous, Third Party and Court Annexed on the human rights and dignity obligation in the Constitution of Kenya (2010).

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# CHAPTER TWO: NAKURU JCAP SURVEY FINDINGS

## **2.0 Introduction**

An evidence-based approach is not only fundamental to the successful diagnosis of justice questions prevailing in a certain jurisdiction but also important in developing localized remedies to the justice issues identified which is in the spirit of the County Action Plan development process. In that respect a short survey was administered to a diverse group of people who are bonafide residents of Nakuru County.

The data collection exercise was led and coordinated by a working group selected from the wider Court Users Committee in Nakuru County. They are members representing different groups such as the Judiciary, the Police, National Government Administration Officers, Advocates, Children Department, Prisons, the County Government, Interfaith Community, Office of the Director of Public Prosecution, Probation Department, National Police Service, CSOs among others. The exercise targeted members of the community. The research methodology was purposeful sampling and sample size was 509 respondents drawn from the 11 Sub-Counties in Nakuru County.

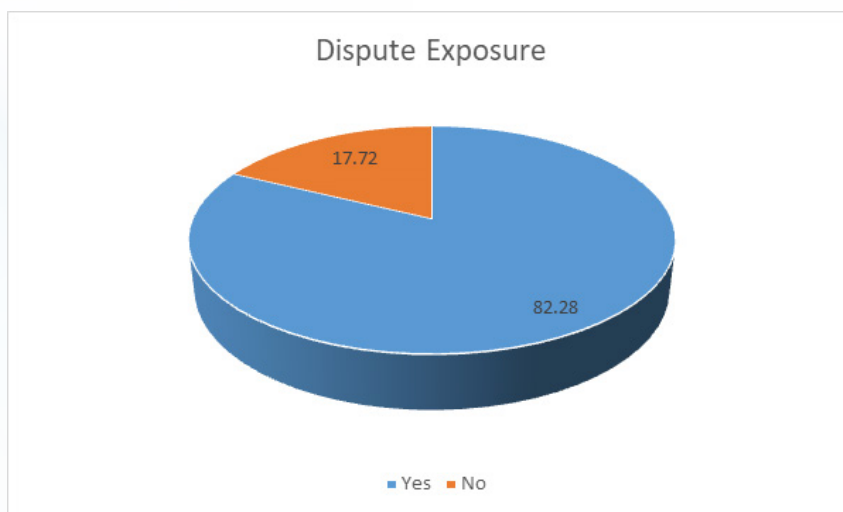
The data collection exercise was done online where a link to the tool was sent to potential respondents via a text message. To ensure quality of data, a Data Analyst was monitoring flow of the responses in real time and conveying feedback to the working group on areas that needed improvement.

## **2.1 Key Survey Findings**

- Majority of the respondents, 82.28%, have been to a dispute at one point in their lives.
- At 30.96%, violent crime is the most prevalent justice issue in the county.
- At 54.55%, autonomous AJS mechanism is the most preferred mechanism.
- At 26.92%, limited information is the biggest barrier to accessing justice in the county.
- At 43.99%, elders are the mostly identifiable existing AJS mechanism.
- At 28.22%, land disputes are the widely identified form of disputes handled by the existing mechanisms.
- 71.90%, have never seen documented AJS records.

### **2.1.1 Dispute Exposure**

Majority of the respondents 82.28%, said that in their lifetime they have been involved in some form of a dispute. Only a small percentage 17.72 said they had never been involved in any form of dispute.



### 2.1.2 Prevalent Disputes

The survey revealed that violent crime is the most prevalent form of dispute in Nakuru County. 30.96% of the respondents citing to have been involved in some form of violent crime. For analytical purposes violent crime includes numerous forms of violence including theft, robbery, and carjacking. Further, the survey revealed that land disputes are the second most prevalent forms of dispute in Nakuru County with 24.46% of the respondents saying that they have been involved in a land dispute. For analytical ease land disputes include boundary and succession cases.

Family disputes are the third most prevalence forms of dispute with 21.05% saying that at some point in their lives they have been involved with a family dispute. Labor and gender-based violence were the least forms of dispute prevalent in Nakuru County. Only 0.62% of the respondents mentioned to have been in such forms of disputes.

| Dispute                   | %     |
|---------------------------|-------|
| Violent Crime             | 30.96 |
| Land Dispute              | 24.46 |
| Family dispute            | 21.05 |
| Domestic                  | 4.33  |
| Civil                     | 3.72  |
| Fraud                     | 3.41  |
| Business                  | 3.10  |
| Tenancy                   | 2.79  |
| Drugs and Substance Abuse | 2.17  |
| Traffic                   | 1.55  |
| Labour                    | 0.62  |
| Gender Based Violence     | 0.62  |

### 2.1.3 Typology Identification

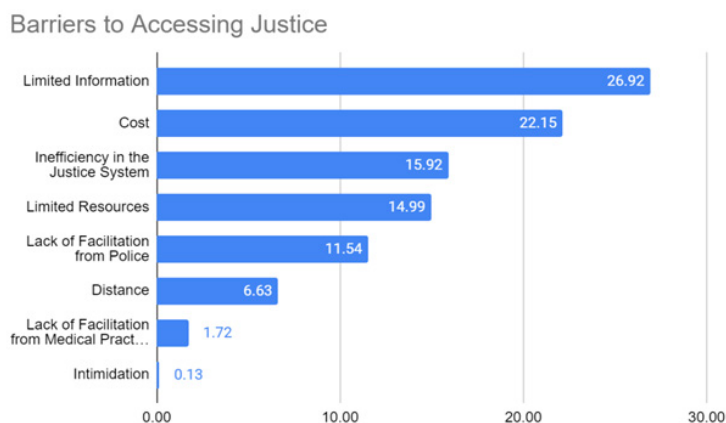
Of the 82.82% of the respondents who said they have been involved in some sort of a dispute, out of court methods of dispute resolution are the most preferred by a majority of Nakuru residents. 31.62% of the respondents said that they resolve disputes at a personal level. Dispute resolution through an elder came in second as the most preferred method of dispute resolution at 15.02% and closely followed by dispute resolution through the chief at 13.04%. Only 12.45% said that they had their disputes resolved through the court. Aggregating the data 87.55% of the respondents prefer alternative justice systems for dispute redress.

Disputes resolved through elders, religious leaders and those resolved personally are forms of autonomous AJS mechanisms which cumulatively account for 54.55% of the disputes resolved in the county. Disputes resolved through the chief, other institutions, and the police are forms of third party AJS mechanisms which cumulatively account for 28.66%. However, the interaction of these mechanisms with the courts is yet to be established.

| Method of Dispute Resolution | %     |
|------------------------------|-------|
| Personally                   | 31.62 |
| Through an Elder             | 15.02 |
| Through the Chief            | 13.04 |
| Court                        | 12.45 |
| Other Institution            | 8.89  |
| Religious Leader             | 7.91  |
| Police                       | 6.72  |
| Lawyer                       | 4.35  |

### 2.1.4 Barriers to accessing justice

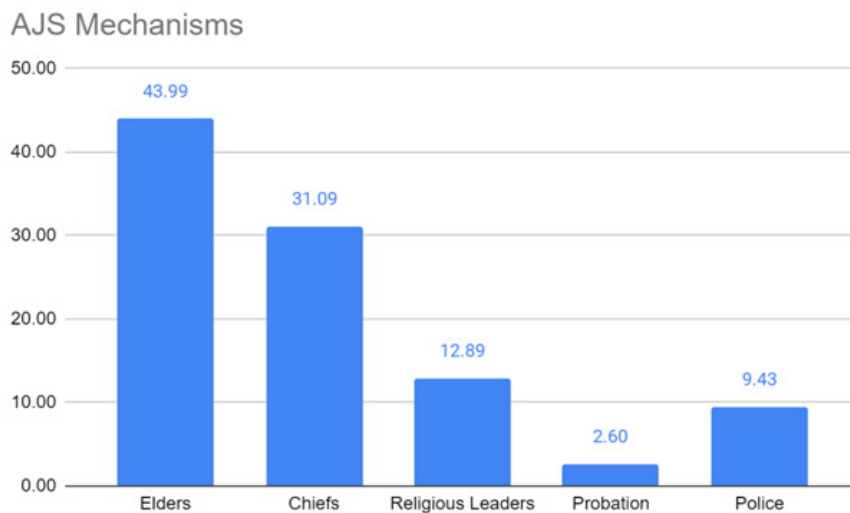
Majority of the respondents 26.92% cited limited information as the major barrier to accessing justice in Nakuru County. This was followed by 22.15% who said that cost of litigation and 15.92% who said that Inefficiency in the justice system was a barrier to accessing justice in the county. These barriers explain reasons majority of the respondents prefer alternative methods of dispute resolution as opposed to going to the courts. Distance from the dwelling places to the formal areas of accessing justice was only a barrier to 6.63% of the respondents.





### 2.1.5 Existing Mechanisms and the Selection criteria

At 43.99% elders, (including Nyumba Kumi Elders) are the largely identified AJS mechanism in Nakuru county. This is distantly followed by Chiefs at 31.09% and Religious Leaders at 12.89%. The probation department was mentioned by 2.60% of the respondents. Elders have for generations been used as an avenue for dispute resolution long before the colonial period. As an alternative means for accessing justice, the avenue still remains popular. 29% said that the elders are selected by the community. Age, experience, knowledge of the area they represent and respect earned from the community are factors considered during the selection process. 17% said that chiefs are employed by the government hence by virtue of the position they hold in the community, they are an automatic option for dispute resolution. 9.78% said that there is no criteria used when selecting family members while religious leaders are also selected based on the virtual they hold in the society. Police are not actually selected but their participation is on a case to case basis. Depending on who is on duty when a certain dispute is registered. There is therefore no dedicated AJS mechanism at the police station.

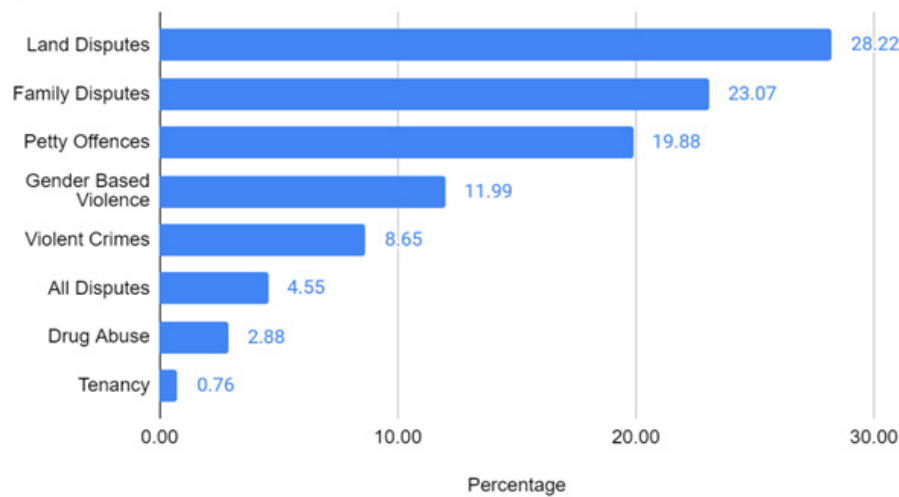


### 2.1.6 Type of Cases Heard

Currently the existing mechanisms hear and determine these forms of disputes. 28.22% of the respondents identified land disputes which include (inheritance, boundary, succession, trespass) as the leading forms of cases heard followed by 23.07% who said that the existing mechanisms hear and determine family disputes (including domestic violence, child neglect, marital disputes among others. 19.88% of the respondents identified petty offences (including stealing, abusive language, misconduct, debts and public nuisance). 8.65% of the respondents said that the existing mechanisms hear and determine cases violence crime cases.

These include (assault, grievous harm, fraud, murder and gang related crimes). This is a small percentage of cases handled by the AJS mechanisms considering that violent crimes were identified as the most prevalent disputes by 30.96%. Just a small percentage 4.55% said that the mechanisms hear and determine all forms of disputes. Tenancy cases were the least heard cases at 0.76% although their prevalence is also low at 2.79%.

## Disputes Heard



### 2.1.7 Mode of Operation

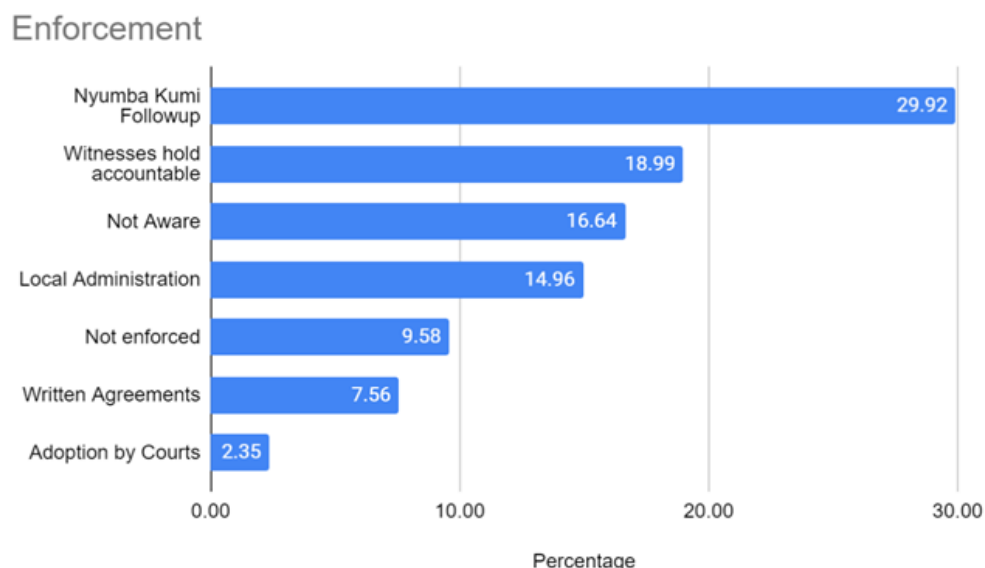
The existing mechanisms neither have a uniform mode of operation nor rules governing the nature in which cases are heard. The process is therefore unique for each mechanism. For Elders, they summon the disputing parties and give each party a chance to explain their side of the story. Each party is also given a chance to produce witnesses if they have to argue their cases. Meetings are held in public barazas and elders use traditions, cultural precedents to make determinations. Sittings are done at neutral grounds accessible by the disputing parties. Elders' homes, public establishments or even public spaces are used as venues.

Chiefs often summon the disputing parties to their offices and they are encouraged to produce witnesses and evidence if applicable. The Chief then listens to the parties through a mediatory process and helps them to come to a resolution and gives a verdict based on his own wisdom and evidence presented. Chiefs who in most cases are public servants do not encourage Barazas in the hearing sessions. Often investigations are conducted using the Chief Askaris. Again, this depends on the merit of the case and availability of resources.

### 2.1.8 Decision Enforcement

The enforcement of decisions made by AJS mechanisms has remained a question of interest for most scholars and practitioners. The respondents said that 29.92% of the decisions made are enforced through the Nyumba Kumi initiatives. Determinations are made and the same is communicated to the Nyumba Kumi Elders in the area for follow up.

Another 18.99% said that the witnesses present during the hearing hold the parties accountable to ensure that the decisions reached are enforced. 16.64% said that they are not aware if such decisions are enforced while 9.58% said that they are not enforced at all. 7.56% of the respondents said that parties write agreements for which they are contractually bound to abide to by the determinations of the hearing process. A small percentage 2.35% said that determinations made are adopted and or enforced by the courts.



### 2.1.9 AJS Mechanisms and Constitutional Values

AJS mechanisms must not only adhere to constitutional values but also appear to be adhering to them. Inclusion of women and marginalized groups, and also dealing with harmful traditional practices must be adhered to as provided for in the constitution. 41.80% and 36.29% of the respondents said inclusion of women and marginalized groups is adhered to by ensuring equal representation. That includes both as justice seekers and as active members in the AJS mechanisms.

Additionally, 15.50% and 11.53% said that during the selection process both the marginalized groups and women are given a chance to be part of the mechanisms. 9.20% and 3.78% said that through community sensitization sessions which focus on the affirmative action and two thirds gender rule inclusion of marginalized groups and women is emphasized. However, 14.41% and 10.73% said that they are not aware if the mechanisms adhere to inclusion of women and marginalized groups respectively. A staggering 14.59% and 13.12% categorically said that the mechanisms do not indeed adhere to the said constitutional values.

| Constitutional Values   |                     |                    |
|-------------------------|---------------------|--------------------|
|                         | Marginalized Groups | Inclusion of Women |
| Equal Representation    | 36.29               | 41.80              |
| Selection               | 15.50               | 11.53              |
| Participation           | 15.16               | 13.87              |
| Dont Know               | 10.73               | 14.41              |
| Not Adhered To          | 13.12               | 14.59              |
| Community Sensitization | 9.20                | 3.78               |

An overwhelming majority 48.72% said that harmful traditional practices are vehemently condemned while 37.52% said that by providing civic education which includes awareness, sensitization, training, and advocacy to the community then by extension the mechanisms ensure that such practices have no place. However, there is a 2.55% who said that harmful traditional practices are not dealt with because some members of the AJS mechanisms are indeed custodians of those practices.

| Harmful Traditional Practices |       |
|-------------------------------|-------|
| Condemning                    | 48.72 |
| Civic Education               | 37.52 |
| Apprehending Perpetrators     | 11.20 |
| Not Dealt with                | 2.55  |

## 2.2 Recommendations

Given that violent crimes are the most prevalent justice issues in Nakuru and autonomous AJS mechanisms is the prevailing typology, further discussion with a Focused Group and Key Informants is necessary to identify a model that adequately responds to that justice issue. Such a discussion should further look into how that model creates an interaction with the courts gets access to technical expertise such as Forensic Experts.

There is need to respond to the question of limited information which is a barrier to accessing justice within the county. Popularization of the alternative justice systems and the model agreed upon is, therefore, important in bridging this gap. The court premises and other public offices can be used as information hubs for the general public. Additionally, publishing electronic materials and sharing the same in available digital spaces will address the issue.

Develop Standard Operating Procedures to respond to the decision enforcement question. At 29.92% Nyumba Kumi elders are the mostly relied upon for follow up and ensuring that decisions are enforced. The survey did not establish how effective they are but their sustainability is not guaranteed. Additionally, the method is inadequate especially the urban setting.

Given that an overwhelming majority have never seen any documented AJS records, standard documenting templates should be developed to not only respond to future referencing but for monitoring and learning purposes. Simple user-friendly templates that document nature of the case, disputants' details, decision makers and the determinations made. Such a document should also be used to enhance interaction with other stakeholders including formal courts.



# CHAPTER THREE: SITUATIONAL ANALYSIS

## 3.0 Introduction

It is important to determine the AJS operational mechanisms in Nakuru County in order to device how to develop the action plan for mainstreaming and acceleration of AJS. The Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis was undertaken to help in the development of the strategies and the key Operational Plan for implementation of the AJS policy in Nakuru County.

### 3.1 Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis

The SWOT analysis was conducted to determine both internal and external factors affecting the existing AJS mechanisms in Nakuru County. The SWOT analysis is meant to help Nakuru County Build on Strengths, Eliminate the Weaknesses, Exploit the Opportunities and Mitigate the Threats.

Table 10 presents the SWOT Analysis

| STRENGTHS   | BUILD   |
|---|---|
| <ul style="list-style-type: none"> <li>• Diverse, cohesive and strong communities in skill set, cultural background etc.</li> <li>• Availability of human resource</li> <li>• Hosting of the NaSCI-AJS Chair</li> <li>• A vibrant Civil Society and Institutions (eg. LRF, CEDGG, MIDRIFT, RVLS, FOLLAP, Media etc)</li> <li>• Existing infrastructure such as administrative organs for solving disputes across the board</li> <li>• Well organized existing unaffiliated AJS mechanisms.</li> </ul>   | <ul style="list-style-type: none"> <li>• Engage and enhance synergy among stakeholders</li> <li>• Continuous engagement, capacity building, partnerships and networking</li> <li>• Continuous engagement with the office of the Chair for consultation and seeking f resources for further training.</li> <li>• Enhanced strategic partnerships with the Judiciary on the AJS policy</li> <li>• Continuous strengthening of the existing infrastructure</li> <li>• Provide guidelines for affiliation.</li> </ul> |
| OPPORTUNITIES   | EXPLOIT   |
| <ul style="list-style-type: none"> <li>• Nakuru as a regional headquarter gives the county a competitive advantage in many fronts such as lobbying for government funding on AJS work, etc.</li> <li>• Elevation of Nakuru Town to City Status gives the county a comparative advantage on many issues such as on employment.</li> <li>• Well-built existing infrastructure on conflict resolution mechanisms such as Nyumba Kumi, Bodaboda, Elders (use of indigenous knowledge)</li> <li>• A robust media network</li> <li>• Existence of legal framework</li> <li>• Availability of infrastructure and technological environment. i.e., free wifi from the county government, ICT Mobile phones</li> <li>• Political goodwill from both national and county governments for AJS to thrive</li> </ul> | <ul style="list-style-type: none"> <li>• Funding and community empowerment opportunities by investors</li> <li>• Approach institutions to fund AJS activities</li> <li>• Tapping of knowledge for training, capacity building</li> <li>• Engage the media to sensitize members of the community.</li> <li>• Incorporate AJs in CUC meetings</li> <li>• Heighten use of technology in AJS cases.</li> <li>• Bring in the political class as AJS champions and partners.</li> </ul>                                 |

| THREATS   | MITIGATE   |
|---|--|
| <ul style="list-style-type: none"> <li>• Insecurity arising from existence of organized criminal gangs within the county;</li> <li>• Conflicts arising from human settlement;</li> <li>• Tribal animosity due to political affiliations</li> <li>• Unemployment –</li> <li>• Existing low confidence in public institutions</li> <li>• Unresolved historical injustices in the county</li> <li>• Insecurity of Lawyers</li> </ul> | <ul style="list-style-type: none"> <li>• Identify hot spot areas and intensify security patrols</li> <li>• Establish communal cohesion activities.</li> <li>• Sensitize communities on political tolerance</li> <li>• Create more employment opportunities</li> <li>• Engage all the entities for streamlined roles.</li> <li>• Sensitization on cohesiveness</li> <li>• Mainstream AJS in the legal profession by organizing seminars on AJS in conjunction with LSK in which lawyers are awarded CPD points</li> </ul> |

### 3.2 External Stakeholder Analysis

Nakuru County implements the AJS Mechanisms with various stakeholders. In this regard, the county expects to be supported to undertake various activities regarding the AJS. These key collaborations with a focus on what AJS in NAKURU County can do in terms of enhancing access to justice for its stakeholders and what the stakeholders can do for Nakuru County is presented in Table 11. Overall, the table presents stakeholders grouped as MDAs, private sector, civil society, academia, development partners, research institutions, media, regional and international bodies, professional bodies, the general public and others.

| Institution   | What they can do for Nakuru County AJS Mechanisms   | What can Nakuru County AJS Mechanisms do for stakeholders                |
|---|---|--|
| <b>i) Government Ministries and Departments (MDAs)</b>                                      |   |  |
| <b>1. Judiciary</b>   | Efficient determination of cases<br>Enhanced referrals to AJS mechanisms                    | Spearheading AJS mechanism<br>Effective collaboration with the judiciary |
| <b>2. Investigative Agencies (Kenya Police, EACC, CID, KWS, KNHCR, KFS, KRA, CAK, IPOA)</b> | Effective and timely advice on AJS mechanisms as the first option for settlement of matters | Timely resolution of disputes  |
| <b>3. National Treasury</b>   | Allocation of adequate financial resources  | Transparency and Accountability of funds                                 |
|   | Timely disbursement of funds  | Submission of Expenditure returns and reports                            |
|   | Advice on financial matters   |  |
| <b>4. Prisons, probation</b>  | Liaison with AJS Mechanisms in expediting the hearing process                               | Liaise with stakeholders in sufficient time to expedite the process      |
|   | Provision of space and documentation for the inmates who prefer to sue AJS mechanisms       |  |

|   |  |  |
|---|--|--|
| <b>5. County Government</b>   | Invoke AJS Mechanisms in dispute resolution processes in the county<br><br>Provisions of resources for AJS mechanisms      | Collaborate with the County Government in Third Party AJS Mechanisms |
| <b>ii) Private sector</b>   |  |  |
| <b>1. Corporate organizations</b>                                   | Sponsorship of programmes and Equipment  | Enhance awareness of AJS and documentation                           |
| <b>iii) Civil Society, NGOs, CBOs and Faith Based Organizations</b> |  |  |
| <b>1. Donors</b>  | Technical and financial support<br><br>Timely funding and support<br>Support training programs of staff and other agencies | Enhance efficiency and effectiveness in prosecution                  |
| <b>2. IJM, LRF</b>  | Facilitate training and offer equipment  | Enhance efficiency and effectiveness in prosecution                  |
| <b>3. LSK, Churches</b>   | Create awareness   | Collaboration in the development of professional standards           |
| <b>4. Theme Based Organizations</b>                                 | Conduct research of emerging AJS practices   | Partner to improve service delivery of AJS                           |
| <b>5. NGOs</b>  | Collaborate and partner to deliver mandate   | Partner to deliver justice   |
| <b>6. Civil Society</b>   | Collaboration in crime prevention and AJS activities   | Uphold the rule of law   |
| <b>iv) Development Partners</b>                                     |  |  |
| <b>1. EU/UNODC/FAO/UNDP</b>   | Capacity building - funding projects and programmes  | Collaboration and cooperation  |
|   | Specialized training   | Collaboration and cooperation  |
| <b>1. EU/UNODC/FAO/UNDP</b>   | Capacity building - funding projects and programmes  | Collaboration and cooperation  |
| <b>v) Research Institutions</b>                                     |  |  |
| <b>1. EGERTON /KABARAK UNIVERSITY</b>                               | Provide authentic and reliable data that can be used by the Nakuru AJS mechanisms  | Identify areas of need   |
|   | Partner with Nakuru CUC in matters of access to justice  | Identify practical areas of training                                 |
| <b>vii) The public</b>  |  |  |
| <b>1. The public/citizens</b>                                       | Sensitization  | Collaboration and Cooperation  |
|   | Support  | Timely information sharing   |
|   | Provide information  | Uphold the rule of law   |
|   | Feedback on services provided  | Establish mechanisms of receiving feedback                           |
|   | Report and present evidence to authorities   | Ensure security of witnesses is safe guarded                         |

|  |   |   |
|--|---|---|
| <b>2. Civil Society, Kenya Human Rights</b>                            | Give views of strengths and weaknesses to Nakuru CUC  | Nakuru CUC to organize forums   |
| <b>viii) Media</b>   |   |   |
| <b>1. Print and electronic media (Television, Newspaper and Radio)</b> | Responsible journalism                                | Provide timely accurate information   |
|  | Accurate reporting                                    | Engagement and sharing of information   |
|  | Sensitize the public on the mandate of AJS Policy     | Establish an open door policy for the media   |
|  | Adherence to the media code of ethics                 | Respect media freedom   |
|  | Publish candidly on progress in implementation of AJS | Nakuru CUC to provide a forum for the media to candidly publish progress on Implementation of AJS in the county |
| <b>x) Professional Bodies</b>  |   |   |
| <b>LSK</b>   | Training  | Cooperation   |
|  | Uphold integrity of legal profession                  | Collaboration in bettering the justice system   |
|  | Provide technical support                             | Uphold the rule of law  |
|  | Development of professional standards                 | Collaboration and Cooperation   |

### 3.3 Enhancing AJS Mechanisms in Nakuru County Through MAG's

| MAINSTREAMING   | ACCLERATING  | GUIDELINE SUPPORT   |
|---|--|---|
| <ul style="list-style-type: none"> <li>•Conduct trainings on AJS on a quarterly basis with different groups.</li> <li>•Ensure 100% registration of every AJS entity in the county with the right government office</li> <li>•Facilitate affiliation of AJS mechanisms with relevant bodies</li> <li>•Open a permanent AJS office at the Nakuru Law Courts whose aim will be to link AJS activities to the courts</li> <li>•Come up with an annual AJS service week and or attach AJS work to ongoing relevant annual commemoration days.</li> <li>•Mainstream AJS in curriculum at all education levels in the country</li> </ul> | <ul style="list-style-type: none"> <li>•Strategically engage community radios/journalists in Nakuru on information dissemination: train them on AJS so they can factually report on it; hold radio talk shows with community radios in Nakuru at least once a month or when need arises; run radio infomercials on AJS continuously</li> <li>•Hold AJS sensitization forums with different target groups quarterly or when an opportunity arises.</li> <li>•Advocate for referral mechanism among AJS actors and facilitate linking them up with relevant stakeholders both horizontally and vertically</li> <li>•Invite AJS actors to open day forums by government and non-governmental organizations.</li> <li>•Enhance Documentation process for future refence and referrals</li> </ul> | <ul style="list-style-type: none"> <li>•Formulate a Nakuru County AJS Policy in order to push for the formal recognition of AJS by the County Government, for funding and for other connected purposes.</li> <li>•Formulate a Monitoring and Evaluation tool for AJS actors and conduct M&amp;E on a quarterly basis.</li> <li>•Robust fundraising for AJS activities in the county.</li> <li>•Quarterly reviews and retreats for sharing successes, challenges, opportunities, and best practices</li> <li>•Use of digital communication tools for fast, effective and efficient sharing of information for all actors including the County Taskforce. This will include: Website, Whatsapp, Twitter, Facebook, Instagram, Tik Tok etc.</li> </ul> |

|   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>•Organise sector relevant AJS publicity activities such as beauty contests for Smart Ladies, football for Bodaboda, farming contests for Elders etc</li> </ul> | <ul style="list-style-type: none"> <li>•Enhance Documentation process for future refence and referrals</li> <li>•Produce audio, audio-visual documentaries on AJS for sharing with communities</li> <li>•Come up with communal awards for different AJS actors (e.g., AJS Advocate of the Year, Community AJS Champion of the Year etc) to encourage AJS uptake</li> <li>•Work with MoE to set up AJS Clubs in schools; organise essays on AJS</li> <li>•Organise moot competitions on AJS and hold conferences on AJS, annually.</li> <li>•Produce a quarterly magazine on AJS work in the county</li> </ul> | <ul style="list-style-type: none"> <li>•Put up documentation structures at all levels on reported cases, resolved cases, referred cases, resolved cases etc.</li> <li>•Develop AJS training/content manuals for different actors (e.g., one for Bodaboda, for Elders, Journalists etc).</li> <li>•Come up with digital apps to document AJS work.</li> </ul> |
|---|---|--|

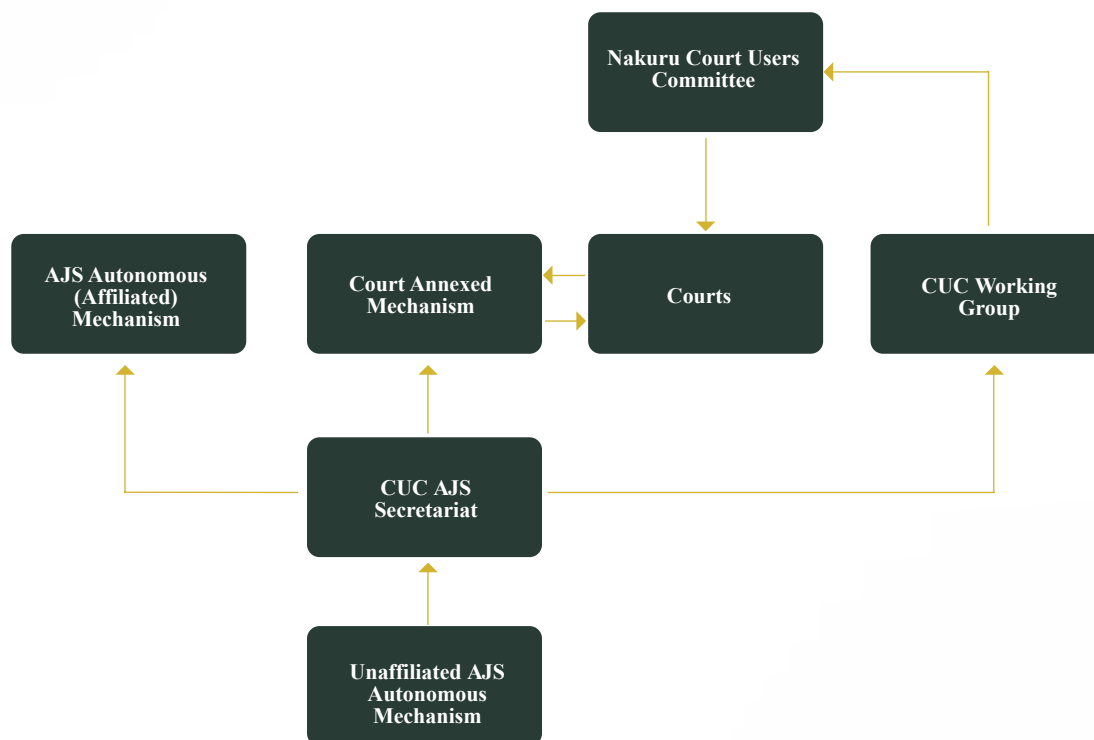


## CHAPTER FOUR: NAKURU MODEL

Nakuru Model presents a grand hybrid of a 5 – tier model between the Autonomous AJS mechanisms and Court Annexed AJS mechanisms. The model design takes into account a number of factors that are unique to Nakuru County; provides continuity and sustainability of the AJS mechanisms; advances the human rights framework as outlined in the Constitution of Kenya 2010; and promotes rather than regulating AJS.

Further the model recognizes the need to provide an optimum interaction with the courts and leverage the goodwill of key initiators from existing partners such as the County Government of Nakuru, the Egerton University Faculty of Law Legal Aid Program (FOLLAP) among others.

The County Government of Nakuru is envisaged to play a key role in creating sustainability of the Model. To start with the County Government has already established its own AJS mechanisms that help to respond to the question of access of justice in the County. Those mechanisms will be affiliated with the AJS model. Further, the County Government will offer support in to the AJS mechanisms especially the court annexed mechanisms.



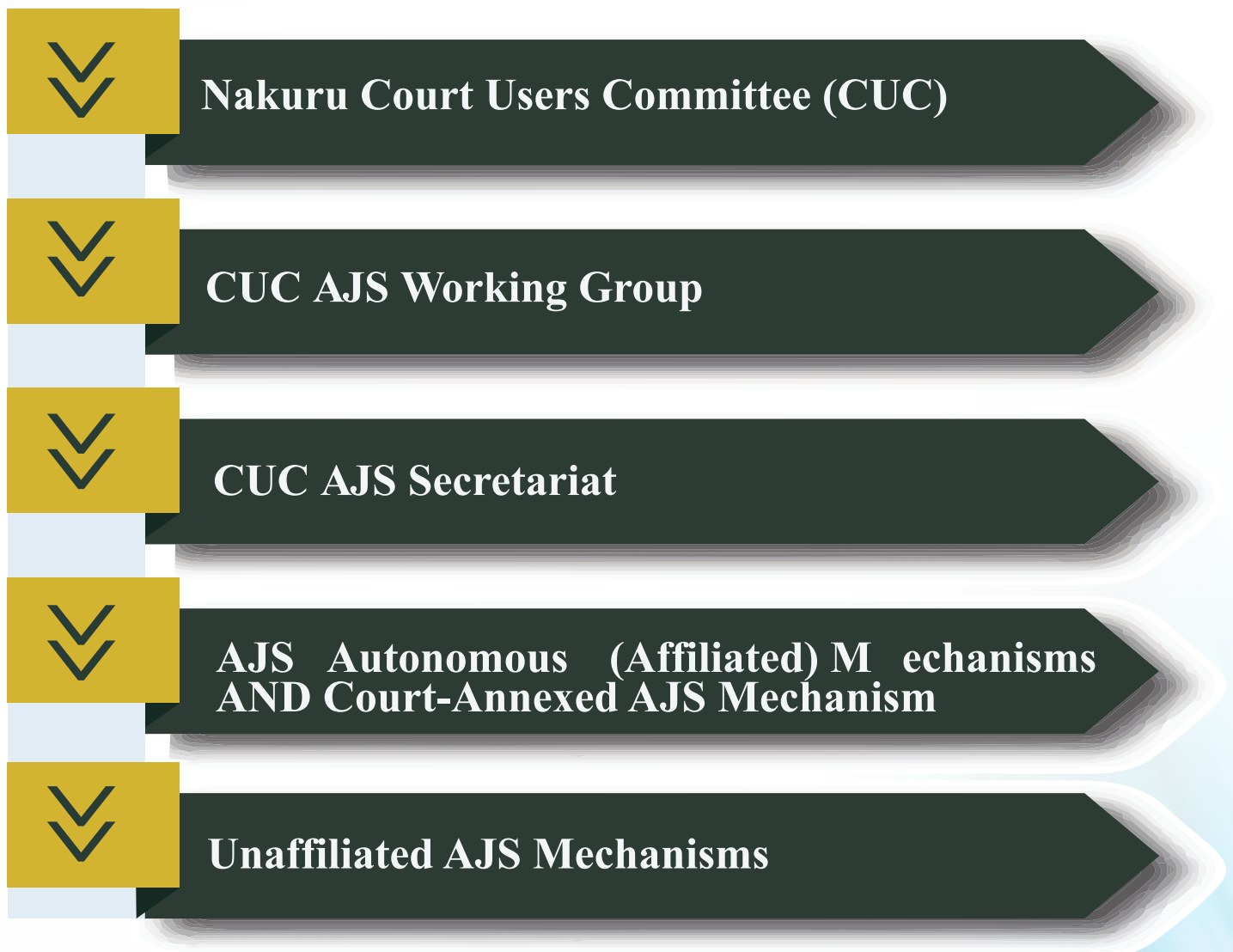
*Abstract Representation of the Five – Tier Nakuru AJS Model*

Nakuru AJS Model is people centered and puts the following into consideration

- The diversity of the County: , urban, peri-urban and rural
- Provision of answers to the main justice questions in play while providing optimum intersection with the Judiciary

- 
- The need to promote rather than regulating AJS
  - Provision of a forum where many people find comfort in semi-institutional forms while liberalising access to justice
  - The need to tame excesses and incorporate Human Rights Framework at the same time prevent unlawful practice of law in the guise of AJS/ADR
  - Building partnerships with Lawyers
  - Leveraging on the County Government commitments in enhancing access to justice in offences relating to the by laws

#### 4.1 Model Operationalization and Interaction



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## 4.2 Functions and Mandates

The stakeholders in the model will have the following constitution, functions and mandates.

### 4.2.1. Unaffiliated Autonomous AJS Mechanisms

This forms the catchment pool for the AJS model. They comprise individuals or groups resolving disputes on their own. They will be incentivized to affiliate with the Nakuru AJS Model but they are also welcome to carry on with their business unaffiliated as long as it is in line with the provisions of the constitution and in line with the human rights safeguards.

### 4.2.2 Affiliated Autonomous AJS Mechanisms

The key roles of the Affiliated Autonomous mechanisms include:

- i.* Establish their own structures and customize the AJS procedures/guidelines
- ii.* Identification of cases handled
- iii.* Select and Appoint the Autonomous AJS Panels
- iv.* Hear disputes, document and keep records
- v.* Follow the guidelines set for CUC affiliation
- vi.* Present request for affiliation to the Secretariat
- vii.* Submit the records to the secretariat for Monitoring and Evaluation

### 4.2.3 The AJS Secretariat

In the long-term and for prosperity purposes the membership of the Secretariat will include the following:

- Nakuru County AJS Coordinator (who will act as the CEO);
- Monitoring and Evaluation Officer (who will act as Deputy CEO);
- Administrator (who doubles as the Secretary);
- Librarian/Archivist;
- ICT Manager;
- Clerical Officer

*The role of the AJS Secretariat include:*

- i.* Institutional intersection with the CUC
- ii.* Continuously engage different AJS Mechanisms
- iii.* Identify Autonomous AJS Mechanisms for possible affiliation
- iv.* Process the affiliation of the Autonomous AJS Mechanisms through the Working Group
- v.* Collect data from the AJS Autonomous Mechanisms
- vi.* Quality control, Monitoring and Evaluation
- vii.* Effectively Report to the CUC and the AJS Working Group on the number of cases handled through AJS
- viii.* Act as a link between the AJS Mechanisms and the CUC Working Group

### 4.2.4 Court Annexed Panel

The court annexed panel will constitute a team of up to 20 members drawn from different AJS Practitioners within the metropolitan area. A sitting panel will constitute of 3-5 members drawn from the pool.

The Panel will be Linked to the Court for direct referrals from the court especially for litigants who are either comfortable with the neutral panel or live within the metropolitan area of Nakuru. Thus, the panel will act as a point of referral for the Court on AJS mechanisms by Courts where parties are not comfortable with the existing mechanisms.

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## 4.2.5 The CUC Working Group

The working group will be consisted as a going concern. Their main roles include:

- i.* Developing guidelines for the Affiliated Autonomous AJS Mechanisms;
- ii.* Approval of the Affiliated Autonomous Mechanisms meeting the set guidelines for affiliation;
- iii.* Training the different AJS Mechanisms in Nakuru County;
- iv.* Popularize AJS mechanism through Education, Awareness and Sensitization
- v.* Engage the various stakeholders on acceleration of AJS in the county;
- vi.* Recommend to the CuC ways of implementing the AJS Policy in Nakuru County;
- vii.* Set up Secretariat and Developing Terms of Reference for the Secretariat
- viii.* Process reports from Secretariat and forward to the CuC;
- ix.* Funding and resource mobilization;
- x.* Offer oversight roles on the Secretariat and Engage the Secretariat on quarterly basis or when need arises;
- xi.* Develop guidelines on de-affiliation;
- xii.* Access the progress of AJS in the County and Advise the CUC.

## 4.2.6 Nakuru Court Users Committee (CUC)

The role of the CUC include:

- i.* Promote and protect the AJS mechanisms in Nakuru
- ii.* Mainstreaming AJS Activities in the Court structure
- iii.* Sustain the CuC AJS Working Group
- iv.* Ensure implementation of the AJS Policy in Nakuru County
- v.* Receive and act on reports from the AJS from the Working Group
- vi.* Enhance coordination between the AJS mechanisms and the County Government

## CHAPTER FIVE: ACTION PLAN FOR NAKURU

| Pillar 1:  | Pillar 2  | Pillar 3   |
|--|---|--|
| Protect  | Respect   | Transform  |
| <p><b>Objective 1:</b><br/>Protecting the rule of law at AJS mechanism at national and county levels to ensure equal access to justice for all</p>   | <p><b>Objective 1:</b><br/>Learning and adapting a monitoring, evaluation and knowledge management information system for tracking AJS Policy Implementation in Kenya</p>             | <p><b>Objective 1:</b><br/>Transforming the form of recognition of AJS by justice sector actors as a tool for accessing justice through human rights safeguards.</p>                                 |
| <b>Progressively achieved by the Key Results</b>   | <b>Progressively achieved by the Key Results</b>  | <b>Progressively achieved by the Key Results</b>   |
| <p><b>KR1:</b><br/>Increased popularity of AJS among the population and stakeholders in all the Wards in Nakuru county by May 2023.</p>  | <p><b>KR1:</b><br/>Enhanced operations and processes of AJS mechanisms by May 2023.</p>   | <p><b>KR1:</b><br/>Establish guidelines to guide media in disseminating AJS information by May 2023.</p>   |
| <p><b>Minimum Activity 1:</b><br/>Map out at least one AJS mechanism in each Ward and conduct at least 55 training sessions in all the Wards in the County aimed at building at least 500 Champions of justice by May 2023</p>                         | <p><b>Minimum Activity 1:</b><br/>Establish and progressively support an AJS CUC Secretariat to offer institutional linkage between the AJS mechanisms and the CUC by April 2022.</p> | <p><b>Minimum Activity 1:</b><br/>Form and undertake 24 media campaigns broadcasted in Nakuru based media stations aimed at creating awareness of AJS mechanisms and ideologies by May 2023.</p>     |
| <p><b>Minimum Activity 2:</b><br/>Organize a roadshow campaign with the Bodaboda committees and the elders to sensitize members of the public on the importance of peace and tolerance especially during the electioneering period by August 2022.</p> | <p><b>Minimum Activity 2:</b><br/>Develop and adopt documentation templates to enhance reporting and monitoring of AJS processes and decisions by May 2023</p>                        | <p><b>Minimum Activity 2:</b><br/>Conduct talkshows at least twice a month using local and vernacular radio stations featuring scholars, community leaders, elders to popularize AJS by May 2023</p> |
| <p><b>Objective 2:</b><br/>Promoting responsive, inclusive, participatory, and representative decision-making within AJS mechanism</p>   | <p><b>Objective 2:</b><br/>Advancing technological capacities for avenues of accessing e-justice</p>  | <p><b>Objective 2:</b><br/>Ensuring availability and sustainable access to AJS mechanisms in Nakuru County.</p>  |
| <b>Progressively achieved by the Key Results</b>   | <b>Progressively achieved by the Key Results</b>  | <b>Progressively achieved by the Key Results</b>   |
| <p><b>KR2:</b><br/>Mainstreaming existing AJS mechanisms by May 2023</p>   | <p><b>KR 2:</b><br/>Enhance utilization of technology in AJS mechanisms by May 2023</p>   | <p><b>KR2:</b><br/>Strengthened access to justice through AJS mechanisms in Nakuru County by May 2023</p>  |
| <p><b>Minimum Activity 1</b><br/>Map out and affiliate at least 15 AJS mechanisms with the Nakuru AJS Model for unveiling during launch on May 2022</p>  | <p><b>Minimum Activity 1:</b><br/>Integrate a Nakuru County AJS Page on the AJS website to document the process, activities and success stories by May 2022.</p>                      | <p><b>Minimum Activity 1:</b><br/>Develop affiliation and de-affiliation guidelines detailing the minimum requirements for affiliation and de-affiliation by May 2022</p>                            |



|   |   |   |
|---|---|---|
| <p><b>Minimum Activity 2:</b><br/>Set and communicate data sharing mechanisms especially with the un-affiliated AJS mechanism to enhance progress monitoring by August 2022</p>   | <p><b>Minimum Activity 2:</b><br/>Compose at least 200 short videos and other educative materials documenting AJS operations and shared on known social media sites and other web-based platforms by May 2023.</p>              | <p><b>Minimum Activity 2:</b><br/>Sensitize at least 2000 members of the public and potential AJS mechanisms on the guidelines and benefits for affiliating with the AJS model before August 2022.</p>            |
| <p><b>Objective 3:</b><br/>Promoting effective, accountable, and transparent AJS mechanisms at all levels.</p>  | <p><b>Objective 3:</b><br/>Expanding Avenues of Court Annexed AJS Sites for accessing justice</p>   | <p><b>Objective 3:</b><br/>Protecting the rights and voices of the vulnerable and marginalized groups through AJS Practices</p>   |
| <p><b>Progressively achieved by the Key Results</b></p>   | <p><b>Progressively achieved by the Key Results</b></p>   | <p><b>Progressively achieved by the Key Results</b></p>   |
| <p><b>KR3:</b><br/>Establishing sustainability of AJS mechanisms by partnering with at least 100 strategic partners by May 2023</p>   | <p><b>KR3:</b><br/>Constitute a Court Annexed AJS mechanisms with a pool of 20 people to serve the metropolitan area and to be housed at the Nakuru AJS suite by August 2022</p>  | <p><b>KR3:</b><br/>Increased popularization of AJS among members of the community on the need to include vulnerable and marginalized groups in AJS practices and norms by May 2023</p>                            |
| <p><b>Minimum Activity 1:</b><br/>Convene at least 2 partners roundtable targeting at least 100 local partners to provide material and immaterial support to AJS mechanisms operating in Nakuru County by May 2023.</p> | <p><b>Minimum Activity 1:</b><br/>Map a pool of 20 AJS practitioners drawn from elders, religious leaders, mediators to form the court annexed AJS mechanism housed at the AJS Suit at the Nakuru law courts by August 2022</p> | <p><b>Minimum Activity 1</b><br/>Conduct quarterly legal aid awareness sessions on imperatives, inclusivity and diversity of AJS targeting at least 1000 community members, youth, women and PWD by May 2023.</p> |
| <p><b>KR4:</b><br/>Institutionalize AJS in the legal profession by organizing 3 AJS themed seminars by May 2023</p>   | <p><b>KR 4:</b><br/>Integrating access to justice agenda into the Nakuru County Government policies, strategies and plans.</p>  | <p><b>KR4:</b></p>  |
| <p><b>Minimum Activity 4:</b><br/>Organize at least 3 bar bench meetings in a year targeting at least 300 participants per meeting from the legal fraternity in Nakuru county by May 2023.</p>                          | <p><b>Minimum Activity 4:</b><br/>Hold at least 3 consultative meetings to draft a policy aimed at mainstreaming AJS in the Nakuru County Integrated Development Plan (CIDAP) by May 2022</p>                                   |   |

## 5.1 Principles Binding Development and Implementation of the CAP

This AJS County Action Plan has established the following as the guiding principles:

**1. Patience and Affordability:** The people of Nakuru County have identified the need to recognize the AJS mechanisms that have been operating in the sidelines and have cumulatively aided in enhancing access to justice. These alternative methods of dispute resolution have been enshrined in the community for generations. They have received little praise and recognition for the immense work they do and the contribution they do towards keeping the communities safe. Affiliating such mechanisms with the Nakuru AJS model discussed herein presents numerous benefits and further enhances the work they do. The implementation of the CAP has firm footing on sustainability. The CAP therefore proposes extensive ownership of the interventions proposed as well as collaboration from various stakeholders who would mainstream and accelerate AJS activities.

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**2. Targeting existing AJS mechanisms efforts:** This CAP is focused on identifying a pool of existing AJS mechanisms as a continuous effort. Entice them to be affiliated with the model but also respect the wish of those who would like to continue operating as before. Their efforts and contribution will be enhanced through the concentric learning model, measuring their contribution to access justice.

**3. Devolution:** Devolution introduced by the 2010 Constitution has been a strong anchoring point in ensuring solidarity and unity among different counties. This unity in diversity is a strong impetus that anchors this CAP.

**4. Civil Society:** The development of this CAP is based on respect of the right of citizens to act as an organized group as well as through their independent organizations. Sharing of power among the people, their representatives, and the different communal institutions have been utilized to ensure solidarity and strong communal ties in the access to justice.

**5. Patriotism:** The design and implementation of this CAP work shall try to inculcate a love and appreciation of Kenya, our democratic way of life and the values articulated in the Constitution.

**6. Human Dignity:** Support of the inherent worth and value of every person in the community regardless of origin, race, tribe, clan, or gender ensures that justice is dispensed in a just and non-partisan manner.

**7. Inclusivity and Participation:** These principles ensure that all people living and working within Nakuru County from different ethnicities and of different religious groups do not feel threatened or discriminated.

**8. Constitutionalism, Accountability and Monitoring:** All actors identified in this CAP should be committed to the protection and advancement of the letter and spirit of the Kenyan constitution, and particularly its values. They should be committed to the freedom of association and religious belief and practice, the equality of both genders and of all ethnic and racial groupings, and the freedom of all Kenyans, regardless of their religion, ethnicity or origin, to live in any part of Kenya.

**9. Risks and Security Factors:** The development of the CAP has been done at a time when the country is facing an election cycle. Drawing from past experiences, incitement from political leaders, organized youthful gangs and porous community borders have been instruments used to destabilize parts of the County. The model discussed herein will be used to mitigate and respond to the risks arising from the election jitters.

**10. Coordination:** The Nakuru Court Users Committee Working Group will be the lead agency to coordinate actors (state, non-state and bilateral and multilateral partners) involved in the development and implementation process. This CAP provides clear guidelines for stakeholder engagement, accountability and measurement.

## CHAPTER SIX: OPERATIONAL PLAN

| Pillar  | Objective  | Key Result  | Minimum Activities  | Responsible   | Progress in % | KPIs  |
|---------|--|---|---|---|---------------|---|
| Protect | <p><b>Objective 1:</b></p> <p>Protecting the rule of law through AJS mechanism at national and county levels to ensure equal access to justice for all</p> | <p><b>KR1:</b> Increased popularity of AJS among the population and stakeholders in all the wards in Nakuru county by May 2023.</p> | <p><b>Minimum Activity 1:</b></p> <p>Map out at least an AJS mechanisms in each ward and conduct at least 55 training sessions in all the wards in the county aimed at building at least 500 champions of justice by May 2023</p> | <ul style="list-style-type: none"> <li>•Judiciary</li> <li>•County Government (legal department)</li> <li>•National Land Commission</li> <li>•Inter-religious institutions</li> <li>•Media</li> </ul> | 0%            | Number of champions created.                |
|         | <p><b>Objective 2:</b></p> <p>Promoting responsive, inclusive, participatory, and representative decision-making within AJS mechanisms</p>                 | <p><b>KR2:</b> Mainstreaming at least 300 existing AJS mechanisms by May 2023</p>   | <p><b>Minimum Activity 2:</b></p> <p>Map out and affiliate 300 AJS mechanisms within Nakuru AJS Model by May 2023</p>   | <ul style="list-style-type: none"> <li>•County Government (Legal Department)</li> <li>•Judiciary</li> <li>•RVLS</li> <li>•Nakuru AJS Secretariat</li> <li>•Nakuru CUC Working Group</li> </ul>        | 0%            | Number of Transport Committees mainstreamed |

|         |   |   |   |  |    |                             |
|---------|---|---|---|--|----|-----------------------------|
|         | <p><b>Objective 3:</b><br/>Promoting effective, accountable, and transparent AJS mechanisms at all levels.</p>  | <p><b>KR3:</b><br/>Establishing sustainability of AJS mechanisms by partnering with at least 100 strategic partners by May 2023</p> | <p><b>Minimum Activity 3:</b><br/>Convene at least 2 partners roundtable targeting at least 100 local partners to provide material and immaterial support to AJS mechanisms operating in Nakuru County by May 2023.</p> | <ul style="list-style-type: none"> <li>•Business communities</li> <li>•Judiciary</li> <li>•Religious groups</li> <li>•Civil societies</li> <li>•RVLS</li> <li>•CEDGG</li> <li>•FOLLAP</li> </ul> | 0% | Number of partners reached  |
|         |   | <p><b>KR4:</b><br/>Institutionalize AJS in the legal profession by organizing 3 AJS themed seminars by May 2023</p>                 | <p><b>Minimum Activity 5:</b><br/>Organize at least 3 bar bench meetings in a year targeting at least 300 participants per meeting from the legal fraternity in Nakuru county by May 2023.</p>                          | <ul style="list-style-type: none"> <li>•RVLS</li> <li>•NaSCI-AJS</li> <li>•Judiciary</li> </ul>  | 0% | Number of lawyers reached   |
| Respect | <p><b>Objective 1:</b><br/>Learning and adapting a monitoring, evaluation and knowledge management information system for tracking AJS Policy Implementation in Kenya</p> | <p><b>KR1:</b><br/>Enhanced operations and processes of AJS mechanisms by May 2023.</p>   | <p><b>Minimum Activity 1:</b><br/>Develop and adopt documentation templates to enhance reporting and monitoring of AJS processes and decisions by May 2023</p>  | <ul style="list-style-type: none"> <li>•NaSCI-AJS</li> <li>•Judiciary</li> </ul>   | 0% | Number of templates adopted |

|   |  |  |   |           |  |
|---|--|--|---|-----------|--|
| <p><b>Objective 2:</b></p> <p>Advancing technological capacities for avenues of accessing e-justice</p> | <p><b>KR 2:</b></p> <p>Enhance utilization of technology in AJS mechanisms by May 2023</p>   | <p><b>Minimum Activity 2</b></p> <p>Compose at least 200 short videos and other educative materials documenting AJS operations and shared on known social media sites and other web-based platforms by May 2023</p>                | <ul style="list-style-type: none"> <li>•NaSCI-AJS</li> <li>•Nakuru AJS Secretariat</li> <li>•Nakuru CUC Working Group</li> </ul>            | <p>0%</p> | <p>Number of materials developed</p> <p>Number of people reached.</p>                    |
| <p><b>Objective 3:</b></p> <p>Expanding avenues Court Annexed AJS Sites for accessing justice</p>       | <p><b>KR3:</b></p> <p>Constitute a Court Annexed AJS mechanisms to serve the metropolitan area and to be housed at the Nakuru AJS suite by August 2022</p> | <p><b>Minimum Activity 3:</b></p> <p>Map a pool of 20 AJS practitioners drawn from elders, religious leaders, mediators to form the court annexed AJS mechanism housed at the AJS Suit at the Nakuru law courts by August 2022</p> | <ul style="list-style-type: none"> <li>•Judiciary,</li> <li>•Nakuru CUC</li> <li>•NaSCI-AJS</li> </ul>                                      | <p>0%</p> | <p>AJS Court Annexed constituted</p>   |
| <p>Expanding avenues Court Annexed AJS Sites for accessing justice</p>                                  | <p><b>KR4:</b></p> <p>Integrating access to justice agenda into the Nakuru County Government policies, strategies and plans by May 2023</p>                | <p><b>Minimum Activity 4:</b></p> <p>Hold at least 3 consultative meetings to draft a policy aimed at mainstreaming AJS in the Nakuru County Integrated Development Plan (CIDP) by May 2023</p>                                    | <ul style="list-style-type: none"> <li>•County Government of Nakuru</li> <li>•Judiciary</li> <li>•NaSCI-AJS</li> <li>•Nakuru CUC</li> </ul> | <p>0%</p> | <p>Number of policies integrating justice agenda in the County Government Strategies</p> |



|                  |   |   |  |   |    |   |
|------------------|---|---|--|---|----|---|
| <b>Transform</b> | <p><b>Objective 1:</b></p> <p>Transforming the form of recognition of AJS by justice sector actors as a tool for accessing justice through human rights safeguards.</p> | <p><b>KR1:</b></p> <p>Form and undertake 24 media campaigns broadcasted in Nakuru based media stations aimed at creating awareness of AJS mechanisms and ideologies by May 2023.</p>      | <p><b>Minimum Activity 1:</b></p> <p>Conduct talkshows at least twice a month using local and vernacular radio stations featuring scholars, community leaders, elders to popularize AJS by May 2023.</p>             | <ul style="list-style-type: none"> <li>•Media</li> <li>•Elders</li> <li>•Judiciary</li> <li>•Religious groups</li> <li>•LSK</li> <li>•County Government</li> <li>•Nakuru CUC Working Group</li> </ul> | 0% | Number of talkshows conducted   |
|                  | <p><b>Objective 2:</b></p> <p>Ensuring availability and sustainable access to AJS mechanisms in Nakuru County.</p>  | <p><b>KR2:</b></p> <p>Strengthened access to justice through AJS mechanisms in Nakuru County by May 2023</p>  | <p><b>Minimum Activity 2:</b></p> <p>Establish and progressively support an AJS CUC secretariat to offer institutional linkage between the AJS mechanisms and the Court Users Committee by May 2023.</p>             | <ul style="list-style-type: none"> <li>•Nakuru CUC</li> <li>•County Government of Nakuru</li> <li>•Judiciary</li> <li>•Egerton University</li> <li>•Kabarak University</li> </ul>                     | 0% | Established Secretariat   |
|                  | <p><b>Objective 3:</b></p> <p>Protecting the rights and voices of the vulnerable and marginalized groups through AJS Practices</p>                                      | <p><b>KR3:</b></p> <p>Increased popularization of AJS among members of the community on the need to include vulnerable and marginalized groups in AJS practices and norms by May 2023</p> | <p><b>Minimum Activity 3</b></p> <p>Conduct quarterly legal aid awareness sessions on imperatives, inclusivity and diversity of AJS targeting at least 1000 community members, youth, women and PWD by May 2023.</p> | <ul style="list-style-type: none"> <li>•NaSCI - AJS</li> <li>•Judiciary,</li> <li>•Nakuru CUC Working Group</li> <li>•NGAO,</li> <li>•NPS</li> </ul>  | 0% | <p>Number of legal aid awareness sessions conducted</p> <p>Number of people reached</p> |

## 6.1 Financial Plan and Budget Summary

| National Objectives   | Budget Lines Description  | Key Performance Indicators (KPIs)                                       | Q1              | Q2              | Q3                  | Q4             | Total          |
|---|---|---|-----------------|-----------------|---------------------|----------------|----------------|
|   |   |   | June – Aug 2022 | Sept – Nov 2022 | Dec 2022 - Feb 2023 | Mar - May 2023 |                |
|   |   |   | Ksh.            | Ksh.            | Ksh.                | Ksh.           | Ksh.           |
| <b>National Objective 1:</b><br>To rally all sectors of Kenya’s social, religious, and economic life to emphatically and continuously ensure they respect, protect and transform AJS. | Out of pocket allowances for the Nakuru AJS Secretariat   | Nakuru County AJS Secretariat with at least 2 staff is operationalized. | 100,000         | 100,000         | 100,000             | 100,000        | <b>400,000</b> |
|   | Launch Nakuru County Justice Action Plan and AJS Suite by June 2022   | Nakuru County Action Plan launched                                      |                 |                 |                     |                |                |
|   | County Minimum Activity 1: Launch the CAP   |   | 2,000,000       |                 |                     |                | <b>200,000</b> |
|   | County Minimum Activity 2: Disseminate the JCAP   |   | 500,000         |                 |                     |                | <b>500,000</b> |
| <b>Pillar 1: Protect</b>  |   |   |                 |                 |                     |                |                |
|   | <b>County Strategic Objective 1: Objective 1:</b><br>Protecting the rule of law at AJS mechanism in Nakuru county to ensure equal access to justice for all by May 2023 |   |                 |                 |                     |                |                |

|  |  |  |         |         |         |         |                |
|--|--|--|---------|---------|---------|---------|----------------|
|  | <p><b>Minimum Activity 1:</b><br/>Map out at least one AJS mechanism in each Ward and conduct at least 55 training sessions in all the Wards in the county aimed at building at least 500 champions of justice by May 2023</p> | Number of Champions of justice trained                                 | 200,000 | 200,000 | 200,000 | 200,000 | <b>800,000</b> |
|  | <p><b>County Strategic Objective 2: Objective 2:</b><br/>Promoting responsive, inclusive, participatory, and representative decision-making within AJS mechanism by May 2023.</p>  |  |         |         |         |         |                |
|  | <p><b>Progressively achieved by the Key Result 2:</b><br/>Mainstreaming at least 300 existing AJS mechanisms by May 2023</p>   |  |         |         |         |         |                |
|  | <p><b>Minimum Activity 2:</b><br/>Map out and affiliate 300 AJS mechanisms within Nakuru AJS Model by May 2023.</p>  | Number of existing AJS mechanisms affiliated with the Nakuru AJS Model | 100,000 | 100,000 | 100,000 | 100,000 | <b>400,000</b> |

|   |  |  |                |  |                |                       |
|---|--|--|----------------|--|----------------|-----------------------|
| <p><b>County Strategic Objective 3:</b><br/>Promoting effective, accountable, and transparent AJS mechanisms at all levels.</p>   |  |  |                |  |                |                       |
| <p><b>Progressively achieved by the Key Result 3:</b><br/>Establishing sustainability of AJS mechanisms by partnering with at least 100 strategic partners by May 2023</p>  |  |  |                |  |                |                       |
| <p><b>Minimum Activity 3</b><br/>Convene at least 2 partners roundtable meetings targeting at least 100 local partners to provide material and immaterial support to AJS mechanisms operating in Nakuru County by May 2023.</p> | <p>Number of partner round table meetings convened</p> |  | <p>200,000</p> |  | <p>200,000</p> | <p><b>400,000</b></p> |
| <p><b>Progressively achieved by the Key Result 4:</b><br/>Institutionalize AJS in the legal profession by organizing 3 AJS themed seminars by May 2023</p>  |  |  |                |  |                |                       |

|                          |   |   |         |  |         |         |                |
|--------------------------|---|---|---------|--|---------|---------|----------------|
|                          | <b>Minimum Activity 5:</b><br>Organize at least 3 bar bench meetings in a year targeting at least 300 participants per meeting from the legal fraternity in Nakuru county by May 2023.          | Number of AJS themed Bar Bench meetings organized | 250,000 |  | 250,000 | 250,000 | <b>750,000</b> |
| <b>Pillar 2: Respect</b> |   |   |         |  |         |         |                |
|                          | <b>County Strategic Objective 1: Objective 1:</b><br>Learning and adapting a monitoring, evaluation and knowledge management information system for tracking AJS Policy Implementation in Kenya |   |         |  |         |         |                |
|                          | <b>Progressively Achieved by Key Result 1:</b><br>Enhanced operations and processes of AJS mechanisms by May 2023.  |   |         |  |         |         |                |
|                          | <b>Minimum Activity 1</b><br>Develop and adopt documentation templates to enhance reporting and monitoring of AJS processes and decisions by May 2023   | Number of documentation templates adopted         | 50,000  |  |         |         | <b>50,000</b>  |



|  |  |   |  |                |                |                |                       |
|--|--|---|--|----------------|----------------|----------------|-----------------------|
|  | <p><b>County Strategic Objective 2:</b><br/>Advancing technological capacities for avenues of accessing e-justice</p>  |   |  |                |                |                |                       |
|  | <p><b>Progressively achieved by the Key Results 2</b><br/>Enhance utilization of technology in AJS mechanisms by May 2023</p>  |   |  |                |                |                |                       |
|  | <p><b>Minimum Activity 2</b><br/>Compose at least 200 short videos and other educative materials documenting AJS operations and shared on known social media sites and other web-based platforms by May 2023.</p>    | <p>Number of short videos and IEC content created</p> |  | <p>200,000</p> | <p>200,000</p> | <p>200,000</p> | <p><b>600,000</b></p> |
|  | <p><b>County Strategic Objective 3:</b><br/>Expanding avenues Court Annexed AJS Sites for accessing justice</p>  |   |  |                |                |                |                       |
|  | <p><b>Progressively achieved by the Key Results 3</b><br/>Constitute a Court Annexed AJS mechanisms with a pool of 20 people to serve the metropolitan area and to be housed at the Nakuru AJS suite by May 2023</p> |   |  |                |                |                |                       |

|  |  |  |         |         |         |  |                |
|--|--|--|---------|---------|---------|--|----------------|
|  | <p><b>Minimum Activity 3</b><br/>Map a pool of 20 AJS practitioners drawn from elders, religious leaders, mediators to form the court annexed AJS mechanism housed at the AJS Suit at the Nakuru law courts by August 2022</p> | Number of practitioners mapped and engaged |         | 200,000 |         |  | <b>200,000</b> |
|  | <p><b>Progressively achieved by the Key Results 4:</b><br/>Integrating access to justice agenda into the Nakuru County Government policies, strategies and plans by May 2023</p>   |  |         |         |         |  |                |
|  | <p><b>Minimum Activity 4:</b><br/>Hold at least 3 consultative meetings to draft a policy aimed at mainstreaming AJS in the Nakuru County Integrated Development Plan (CIDP) by May 2023</p>                                   | Number of Meetings held                    | 100,000 | 200,000 | 100,000 |  | <b>400,000</b> |
|  | <b>Pillar 3: Transform</b>   |  |         |         |         |  |                |
|  | <p><b>County Strategic Objective 1: Objective 1:</b><br/>Transforming the form of recognition of AJS by justice sector actors as a tool for accessing justice through human rights safeguards.</p>                             |  |         |         |         |  |                |

|  |   |                                 |                |                |                |                |                       |
|--|---|---------------------------------|----------------|----------------|----------------|----------------|-----------------------|
|  | <p><b>Progressively achieved by the Key Results 1:</b><br/>Form and undertake 24 media campaigns broadcasted in Nakuru based media stations aimed at creating awareness of AJS mechanisms and ideologies by May 2023.</p>       |                                 |                |                |                |                |                       |
|  | <p><b>Minimum Activity 1:</b><br/>Conduct talkshows at least twice a month using local and vernacular radio stations featuring scholars, community leaders, elders to popularize AJS mechanisms and ideologies by May 2023.</p> | <p>Number of talkshows held</p> | <p>100,000</p> | <p>100,000</p> | <p>100,000</p> | <p>100,000</p> | <p><b>400,000</b></p> |
|  | <p><b>County Strategic Objective 2:</b><br/>Ensuring availability and sustainable access to AJS mechanisms in Nakuru County.</p>  |                                 |                |                |                |                |                       |
|  | <p><b>Progressively achieved by the Key Results 2:</b><br/>Strengthened access to justice through AJS mechanisms in Nakuru County by May 2023</p>   |                                 |                |                |                |                |                       |

|  |  |  |                   |                  |                  |                  |                  |                |
|--|--|--|-------------------|------------------|------------------|------------------|------------------|----------------|
|  | <b>Minimum Activity 2</b><br>Establish and progressively support an AJS CUC secretariat to offer institutional linkage between the AJS mechanisms and the Court Users Committee by May 2023.                           | Number of AJS Secretariat Established            | 200,000           |                  |                  |                  |                  | <b>200,000</b> |
|  | <b>County Strategic Objective 3:</b><br>Protecting the rights and voices of the vulnerable and marginalized groups through AJS Practices   |  |                   |                  |                  |                  |                  |                |
|  | <b>Progressively achieved by the Key Results 2:</b><br>Increased popularization of AJS among members of the community on the need to include vulnerable and marginalized groups in AJS practices and norms by May 2023 |  |                   |                  |                  |                  |                  |                |
|  | Minimum Activity 3.3:<br>Conduct quarterly legal aid awareness sessions on imperatives, inclusivity and diversity of AJS targeting at least 1000 community members, youth, women and PWD by May 2023.                  | Number of legal aid awareness sessions conducted | 200,000           | 200,000          | 200,000          | 200,000          | 200,000          | <b>800,000</b> |
|  | <b>200,000</b>   |  | <b>3, 600,000</b> | <b>1,200,000</b> | <b>1,250,000</b> | <b>1,350,000</b> | <b>7,400,000</b> |                |

# CHAPTER SEVEN: MONITORING, EVALUATION, ACCOUNTABILITY AND LEARNING FRAMEWORK

## 7.1 Nakuru County MEAL Framework

### Log Frames for Strategic Objectives

#### Pillar 1: Protect

*SO1: Protecting the rule of law of AJS mechanisms at national and county levels to ensure equal access to justice for all.*

| Narrative Summary  | Objectively Verifiable Indicators (OVIs)  | Means of Verification (MOV)  | Important Assumptions  |
|--|---|--|--|
| <b>Goal</b> – To promote the rule of law and ensure equal access to justice in Nakuru County   | Improved access to justice by citizens in Nakuru County by 50% by May 2023.   | (1) Nakuru County Action Plan evaluation report 2023.<br><br>(2) Monthly, Quarterly and Annual court reports<br><br>(3) SOJAR Report | (1) Different stakeholders will own the JCAP and collectively contribute towards its achievement<br><br>(2) Political Goodwill             |
| <b>Outcome</b> – Promoted AJS mechanisms in Nakuru County that foster access to justice for all citizens   | (1) Increased awareness on AJS mechanism among Nakuru County Citizens by July 2023.   | (1) Monthly, quarterly and annually AJS reports.   | (1) AJS stakeholders to facilitate sensitization forums.   |
| <b>Outputs/Results</b><br>(1) 500 champions of justice trained on AJS mechanisms by July 2023<br><br>(2) Members of the public sensitized on the importance of peace intolerance by July 2022. | (1) Number of Champions of Justice trained by July 2023<br><br>(2) Number of public members sensitized on importance of peace | (1) Training Reports<br><br>(2) Participants List<br><br>(3) Activity Reports  | (1) Each ward will be able to map out champions of justice to be trained<br><br>(2) Effective mobilization to reach members of the public. |



| Activities  |  |  |   |
|---|--|--|---|
| <p>(1) Map out at least one AJS mechanism in each Ward and conduct at least 55 training sessions in all the Wards in the County aimed at building at least 500 Champions of justice by May 2023</p> <p>(2) Organize a roadshow campaign with the Bodaboda committees and the elders to sensitize members of the public on the importance of peace and tolerance especially during the electioneering period by August 2022.</p> | <p>(1) Number of trainings conducted</p> <p>(2) Number of roadshow campaigns conducted</p> | <p>(1) Training Reports</p> <p>(2) Participants List</p> <p>(3) Activity Reports</p> | <p>(1) Each ward will be able to map out champions of justice to be trained</p> <p>(2) Effective mobilization to reach members of the public.</p> |

**SO2: Promoting responsive, inclusive, participatory, and representative decision-making within AJS mechanism**

| Narrative Summary  | Objectively Verifiable Indicators (OVIs)   | Means of Verification (MOV)  | Important Assumptions            |
|--|--|------------------------------|----------------------------------|
| <p><b>Goal</b> – To promote responsive, inclusive, participatory and representative decision making withing AJS mechanisms</p> | <p>(1) Number of AJS mechanisms promoting inclusive and representative decision making</p> | <p>(1) Annual AJS report</p> | <p>AJS Mechanisms are formed</p> |
| <p><b>Outcome</b> –</p>  |  |                              |                                  |

|   |   |  |  |
|---|---|--|--|
| <p><b>Outputs/Results</b><br/> (1) 15 mapped and affiliated AJS mechanisms unveiled at the launch of the Nakuru Model</p> <p>(2) Clear data sharing mechanisms established and monitoring progress</p>  | <p>(1)</p>  |  |  |
| <p><b>Activities</b><br/> (1) Map out and affiliate at least 15 AJS mechanisms with the Nakuru AJS Model for unveiling during launch on May 2022</p> <p>(2) Set and communicate data sharing mechanisms especially with the unaffiliated AJS mechanism to enhance progress monitoring by May 2023</p> | <p>(1) Number of AJS mechanisms affiliated</p> <p>(2) Percentage increase in recorded cases</p> | <p>(1) Mapping and affiliation Reports</p> <p>(2) Progress reports</p> | <p>(1) Availability of AJS mechanisms to be mapped and affiliated in Nakuru</p> <p>(2) Adoption of data sharing mechanisms by the unaffiliated mechanisms.</p> |

SO3: Promoting effective, accountable, and transparent AJS mechanisms at all levels in Nakuru County

| Narrative Summary  | Objectively Verifiable Indicators (OVIs)  | Means of Verification (MOV)  | Important Assumptions  |
|--|---|--|--|
| <p><b>Goal</b> – To promote effective, accountable and transparent AJS mechanisms in Nakuru County</p> | <p>(1) Percentage increase in the number of people preferring AJS mechanisms as an avenue of accessing justice in Nakuru County</p> | <p>(1) Annual AJS report</p> <p>(2) Sojar report</p> <p>(3) Status of the judiciary Report</p> | <p>(1) Willingness of the communities to form AJS mechanisms</p> |
| <p><b>Outcome</b> – Effective, accountable and transparent AJS mechanisms</p>                          |   |  |  |

|  |  |   |  |
|--|--|---|--|
| <p><b>Outputs/Results</b></p> <p>(1) 2 partner roundtable meetings with at least 100 local partners held by May 2023</p> <p>(2) 3 AJS themed bar bench meetings of at least 900 members organized by May 2023</p>  | <p>(1) Number of partner local partners reached</p> <p>(2) Number of bar bench members met</p>           | <p>(1) Attendance Lists</p> <p>(2) Value of material and immaterial commitments</p> <p>(3) Activity Reports</p> | <p>(1) Goodwill of the partners to support AJS mechanisms</p> <p>(2) Willingness of the bar bench members to engage on AJS</p> |
| <p><b>Activities</b></p> <p>(1) Convene at least 2 partners roundtable targeting at least 100 local partners to provide material and immaterial support to AJS mechanisms operating in Nakuru County by May 2023.</p> <p>(2) Organize at least 3 AJS themed bar bench meetings in a year targeting at least 300 participants per meeting from the legal fraternity in Nakuru county by May 2023.</p> | <p>(1) Number of partner round table meetings organized</p> <p>(2) Number of bar bench meetings held</p> | <p>(1) Activity Reports</p> <p>(2) Participant Lists</p>  | <p>(1) Good will of local partners</p> <p>(2) Availability of resources</p>  |

## Pillar 2: Respect

### *SO1: Learning and adopting a monitoring, evaluation and knowledge management information system for tracking AJS Policy Implementation in Nakuru County*

| Narrative Summary  | Objectively Verifiable Indicators (OVIs)   | Means of Verification (MOV)   | Important Assumptions   |
|--|--|---|---|
| <p><b>Goal</b> – To monitor, evaluate and adopt a knowledge management information system tracking the implementation of the AJS policy in Nakuru County</p>   | <p>Improved learning and knowledge management systems by May 2023</p>  | <p>(1) Monthly, quarterly and annual AJS reports</p>                                | <p>(1) Availability of resources</p>  |
| <p><b>Outcome</b> – Streamlined reporting, monitoring and evaluation AJS processes in Nakuru County</p>  | <p>(1) Percentage improvement in reporting standards</p>   | <p>(1) Monthly, quarterly and annually AJS reports.</p>                             | <p>(1) AJS stakeholders to facilitate sensitization forums.</p>   |
| <p><b>Outputs</b><br/>                     (1) Established Nakuru AJS secretariat offering institutional linkages<br/><br/>                     (2) Developed and adopted monitoring and reporting templates</p> | <p>(1) Number of personnel working at the secretariat<br/><br/>                     (2) Number of monitoring and reporting templates adopted</p> | <p>(1) Onboarding contract<br/><br/>                     (2) Monitoring reports</p> | <p>(1) Availability of qualified candidates<br/><br/>                     (2) Availability of resources</p> |

|   |   |                                |  |
|---|---|--------------------------------|--|
| <p><b>Activities</b></p> <p>(1) Establish and progressively support an AJS CUC Secretariat to offer institutional linkage between the AJS mechanisms and the CUC by May 2023.</p> <p>(2) Develop and adopt documentation templates to enhance reporting and monitoring of AJS processes and decisions by May 2023</p> | <p>(1) Operationalized and institutionalized secretariat unit</p> <p>(2) Improved reporting standards</p> | <p>(1) Secretariat Reports</p> | <p>(1) Availability of qualified candidates</p> <p>(2) Availability of resources</p> |
|---|---|--------------------------------|--|

**SO2: Advancing technological capacities for avenues of accessing e-justice in Nakuru County**

| Narrative Summary   | Objectively Verifiable Indicators (OVIs)  | Means of Verification (MOV)  | Important Assumptions  |
|---|---|--|--|
| <p><b>Goal</b> – To leverage technological capacities to expand avenues of access to justice in Nakuru County</p> | <p>(1) Percentage increase in the number of accessing e-justice in Nakuru County</p>          | <p>(1) Quarterly and Annual AJS report</p> <p>(2) Status of the judiciary report</p> | <p>(1) Public interest in accessing e-justice</p> <p>(2) Availability of resources</p> |
| <p><b>Outcome</b> – a growing audience consuming AJS content and accessing e-justice.</p>                         | <p>(1) Percentage increase in number of people consuming and choosing to access e-justice</p> | <p>(1) Online analytic reports</p> <p>(2) Quarterly and Annual AJS report</p>        | <p>(1) Public interest in accessing e-justice</p>                                      |



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| <p><b>Outputs</b></p> <p>(1) A dedicated page documenting processes, events and success stories on the AJS website</p> <p>(2) Growing social media audience consuming AJS content</p>  | <p>(1) Percentage growth in the AJS technological audience consuming both contents</p>  | <p>(1) Monthly monitoring reports</p> <p>(2) Quarterly, and annual AJS reports</p> | <p>(1) There is a growing interest in AJS related content online</p> <p>(2) There is consistent and accurate monitoring of online activity and impressions.</p>       |
| <p><b>Activities</b></p> <p>(1) Integrate a Nakuru County AJS Page on the AJS website to document the process, activities and success stories by May 2023.</p> <p>(2) Compose at least 200 short videos and other educative materials documenting AJS operations and shared on known social media sites and other web-based platforms by May 2023.</p> | <p>(1) A Nakuru County AJS Page created on the AJS website</p> <p>(2) Number of AJS educative short videos disseminated to the public</p> | <p>(1) Annual AJS report</p> <p>(2) Monthly monitoring reports</p>                 | <p>(1) Availability of expertise to integrate website page</p> <p>(2) Availability of resources</p> <p>(3) Active social media users to consume the video content</p> |

**SO3: Expanding Avenues of Court Annexed AJS Sites for accessing justice**

| Narrative Summary  | Objectively Verifiable Indicators (OVIs)   | Means of Verification (MOV)   | Important Assumptions   |
|--|--|---|---|
| <p><b>Goal</b> – To constitute a court annexed AJS mechanism to enhance access to justice in Nakuru County</p>   | <p>(1) Number of cases referred to the AJS mechanism</p> <p>(2) Reduction of case backlog in Nakuru Law Courts</p> | <p>(1) Annual AJS report</p> <p>(2) Status of the judiciary Report</p>  | <p>(1) Good will of the judicial staff to embrace the court annexed mechanism</p>   |
| <p><b>Outcome</b> – Efficiency in access to justice for all justice seekers in Nakuru county</p>   | <p>(1) Number of cases handled by the court annexed mechanisms</p>   | <p>(1) Annual AJS report</p> <p>(2) Status of the judiciary Report</p>  | <p>(1) Good will of the judicial staff to embrace the court annexed mechanism and refer cases</p>                             |
| <p><b>Outputs</b></p> <p>(1) A pool of 20 experts mapped out to constitute the court annexed mechanism sitting at the AJS suite by May 2023</p> <p>(2) 3 Consultative meetings to draft a policy mainstreaming AJS in the Nakuru County Integrated Development Plan (CIDP) held.</p> | <p>(1) Number of pool of experts.</p> <p>(2) Number of meetings held</p>   | <p>(1) Mapping reports</p> <p>(2) Experts pool list and bios</p> <p>(3) Attendance lists</p> <p>(4) Meeting reports</p> | <p>(1) Willingness of the members of the public to constitute the court annexed pool</p> <p>(2) Availability of resources</p> |

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| <p><b>Activities</b></p> <p>(1) Map a pool of 20 AJS practitioners drawn from elders, religious leaders, mediators to form the court annexed AJS mechanism housed at the AJS Suit at the Nakuru law courts by May 2023</p> <p>(2) Hold at least 3 consultative meetings to draft a policy aimed at mainstreaming AJS in the Nakuru County Integrated Development Plan (CIDP) by May 2023</p> | <p>(1) Number of pool of experts.</p> <p>(2) Draft Policy mainstreaming AJS in CIDP</p> | <p>(1) Mapping reports</p> <p>(2) Experts pool list and bios</p> <p>(3) Activity Reports</p> <p>(4) Participant Lists</p> <p>(5) Mission Reports</p> | <p>(1) Willingness of the members of the public to constitute the court annexed pool</p> <p>(2) Availability of resources</p> |
|--|---|--|---|

### Pillar 3: Transform

*SO1: Transforming the form of recognition of AJS by justice sector actors as a tool for accessing justice through human rights safeguards.*

| Narrative Summary   | Objectively Verifiable Indicators (OVIs)  | Means of Verification (MOV)  | Important Assumptions  |
|---|---|--|--|
| <p><b>Goal</b> – To transform the form of recognition of AJS by justice sector actors as a tool for accessing justice through human rights safeguards</p> | <p>Percentage Increase in the number of people recognizing AJS mechanism as an avenue for accessing justice</p> | <p>(1) Monthly, quarterly and annual AJS reports</p> <p>(2) SOJAR report</p> | <p>(1) There is widespread acceptance of AJS mechanisms as a mode of accessing justice differently</p> |
| <p><b>Outcome</b> – Institutionalization of AJS and AJS mechanisms in the day today lingua of citizens in Nakuru County</p>                               | <p>(1) Percentage increase in the number of people submitting cases to AJS mechanisms</p>                       | <p>(1) Monthly, quarterly and annually AJS reports.</p>                      | <p>(1) Availability of AJS mechanisms in most areas of residence.</p>                                  |

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| <p><b>Outputs</b></p> <p>(1) 24 media campaigns creating awareness on AJS ideologies</p> <p>(2) At least 2 talkshows conducted a month on local and vernacular radio stations.</p>   | <p>(1) Increase popularity of AJS ideologies among the residents of Nakuru county</p>  | <p>(1) Monitoring reports</p> <p>(2) Quarterly and annual AJS reports</p>          | <p>(1) The media campaigns will have a wide reach</p> <p>(2)</p>  |
| <p><b>Activities</b></p> <p>(1) Form and undertake 24 media campaigns broadcasted in Nakuru based media stations aimed at creating awareness of AJS mechanisms and ideologies by May 2023.</p> <p>(2) Conduct talkshows at least twice a month using local and vernacular radio stations featuring scholars, community leaders, elders to popularize AJS by May 2023</p> | <p>(1) Number of media campaigns creating AJS awareness conducted</p> <p>(2) Number of talkshows featuring scholars and community leaders held</p> | <p>(1) Broadcast briefs</p> <p>(2) Mission reports</p> <p>(3) Attendance Lists</p> | <p>(1) Media goodwill</p> <p>(2) Availability of AJS champions to appear on talkshows</p> <p>(3) Media campaigns will reach to as many people as possible</p> |

**SO2: Ensuring availability and sustainable access to AJS mechanisms in Nakuru County.**

| Narrative Summary   | Objectively Verifiable Indicators (OVIs)   | Means of Verification (MOV)  | Important Assumptions   |
|---|--|--|---|
| <p><b>Goal</b> – To ensure availability of sustainable AJS mechanisms in Nakuru County.</p> | <p>(1) Increase in the number of AJS mechanisms affiliating with the AJS model</p> | <p>(1) Quarterly and Annual AJS report</p> <p>(2) Status of the judiciary report</p> | <p>(1) AJS mechanisms willing to affiliate with the AJS model</p> |

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| <p><b>Outcome</b> – a growing audience consuming AJS content and accessing e-justice.</p>  | <p>(2) Percentage increase in number of people consuming and choosing to access e-justice</p>   | <p>(3) Online analytic reports<br/>(4) Quarterly and Annual AJS report</p>   | <p>(3) Public interest in accessing e-justice</p>   |
| <p><b>Outputs</b><br/>(1) Developed affiliation and de-affiliation guidelines<br/><br/>(2) 500 members from potential AJS mechanisms sensitized on the benefits of affiliating with the Nakuru model</p>   | <p>(1) Number of affiliation and de-affiliation guidelines developed<br/><br/>(2) Number of mechanisms affiliating with the Nakuru AJS model.</p> | <p>(1) Quarterly and Annual AJS report<br/>(2) Affiliation forms<br/>(3) Attendance Lists<br/>(4) Activity reports</p> | <p>(1) There will be positive update of the guidelines<br/><br/>(2) Potential affiliating mechanisms will find value in affiliating</p> |
| <p><b>Activities</b><br/>(1) Develop affiliation and de-affiliation guidelines detailing the minimum requirements for affiliation and de-affiliation by August 2022<br/><br/>(2) Sensitize at least 500 members of the public and potential AJS mechanisms on the guidelines and benefits for affiliating with the AJS model before August 2022.</p> | <p>(1) Number of affiliation and de-affiliation guidelines developed<br/><br/>(1) Number of people sensitized</p>                                 | <p>(1) Annual AJS report<br/>(2) Attendance lists<br/>(3) Activity reports</p>   | <p>(1) There will be positive update of the guidelines<br/><br/>(2) Potential affiliating mechanisms will find value in affiliating</p> |



**SO3: Protecting the rights and voices of the vulnerable and marginalized groups through AJS Practices**

| Narrative Summary   | Objectively Verifiable Indicators (OVIs)  | Means of Verification (MOV)   | Important Assumptions   |
|---|---|---|---|
| <p><b>Goal</b> – To safeguard the rights, places and voices of the vulnerable and marginalized groups through AJS practices</p>   | <p>(1) Percentage increase in the number of marginalized people seeking justice through AJS mechanisms</p>      | <p>(1) Annual AJS report<br/>(2) Status of the judiciary Report</p> | <p>(1) AJS mechanisms practices will transform people’s mindset and prejudice dogma</p>                             |
| <p><b>Outcome</b> – AJS mechanisms as be a preferred mode by the marginalized groups as a safe avenue for accessing justice.</p>  | <p>(1) Increase in number of marginalized people choosing AJS mechanisms as an avenue for accessing justice</p> | <p>(1) Annual AJS report<br/>(2) Status of the judiciary Report</p> |   |
| <p><b>Outputs</b><br/>(1) Quarterly legal aid awareness sessions focusing in inclusivity and diversity conducted.</p>   | <p>(1) Number of people engaged</p>   | <p>(1) Attendance lists<br/>(2) Meeting reports</p>                 | <p>(1) Availability of resources<br/>(2) Awareness sessions will transform the mindset of most people about AJS</p> |
| <p><b>Outputs</b><br/>(1) Quarterly legal aid awareness sessions focusing in inclusivity and diversity conducted.</p>   | <p>(1) Number of people engaged</p>   | <p>(1) Attendance lists<br/>(2) Meeting reports</p>                 | <p>(1) Availability of resources<br/>(2) Awareness sessions will transform the mindset of most people about AJS</p> |
| <p><b>Activities</b><br/>(1) Conduct quarterly legal aid awareness sessions on imperatives, inclusivity and diversity of AJS targeting at least 1000 community members, youth, women and PWD by May 2023.</p> | <p>(1) Number of quarterly legal aid awareness sessions held</p>  | <p>(1) Activity reports<br/>(2) Attendance lists</p>                | <p>(1) Availability of resources<br/>(2) Willingness of the participants to take part in the sessions</p>           |





# **The National Steering Committee on Implementation of AJS Policy**

**In Liason with Nakuru High Court**

**Next To Police Station, Along Court Road,  
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