

## Role of Alternative Dispute Resolution (ADR) in Advancing UN-SDG 16 and Pathways to Justice in Kenya: Opportunities and Challenges

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**Abstract :** The ability to access justice is an important facet of securing peaceful, just, and inclusive societies, as recognized by Goal 16 of the 2030 Agenda for Sustainable Development. Goal 16 calls for peace, justice, and strong institutions to promote the rule of law and access to justice at a global level. More specifically, Target 16.3 of the Goal aims to promote the rule of law at the national and international levels and ensure equal access to justice for all. On the other hand, it is now widely recognized that Alternative Dispute Resolution (hereafter, ADR) represents an efficient mechanism for resolving disputes outside the adversarial conventional court system of litigation or prosecution. ADR processes include but are not limited to negotiation, reconciliation, mediation, arbitration, and traditional conflict resolution. ADR has a number of advantages, including being flexible, cost-efficient, time-effective, and confidential, and giving the parties more control over the process and the results, thus promoting restorative justice. The methodology of this paper is a desktop review of books, journal articles, reports and government documents., among others. The paper recognizes that ADR represents a cornerstone of Africa's, and more specifically, Kenya's, efforts to promote inclusive, accountable, and effective institutions and achieve the objectives of goal 16. In Kenya, and not unlike many African countries, there has been an outcry over the backlog of cases that are yet to be resolved in the courts and the statistics have shown that the numbers keep on rising. While ADR mechanisms have played a major role in reducing these numbers, access to justice in the country remains a big challenge, especially to the subaltern. There is, therefore, a need to analyze the opportunities and challenges facing the application of ADR mechanisms as tools for accessing justice in Kenya and further discuss various ways in which we can overcome these challenges to make ADR an effective alternative to dispute resolution. The paper argues that by embracing ADR across various sectors and addressing existing shortcomings, Kenya can, over time, realize its vision of a more just and equitable society. This paper discusses the opportunities and challenges of the application of ADR in Kenya with a view to sharing the lessons and challenges with the wider African continent. The paper concludes that ADR mechanisms can provide critical pathways to justice in Kenya and the African continent in general but come with distinct challenges. The paper thus calls for concerted efforts of respective stakeholders to overcome these challenges.

**Keywords :** mediation, arbitration, negotiation, reconciliation, Traditional conflict resolution, sustainable development

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