

Alternative Dispute Resolution and Access to Justice in Kenya

Kariuki Muigua, 2015

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The dawning of Alternative Dispute Resolution (ADR) in Kenya is upon us! Built upon the sturdy rock of Article 159 (2) of the Constitution, ADR and Traditional Dispute Resolution (TDR) is being woven into the very fabric of conflict management in Kenya. With more than 20 years of experience in the field of ADR, the author captures this beautiful sunrise, critically discussing how the same can be focused towards the enhancement of Access to Justice in Kenya.

Drawing from his earlier works, the author objectively evaluates the principles of conflict management, taking the reader through each mechanism while linking it to Access to Justice. The author navigates through Traditional Dispute Resolution, challenges to its full utilization, as well as its relationship to ADR. He then comprehensively traverses the Kenyan legal and policy framework in relation to ADR, critically analysing its cogency in achieving the object of complete access to justice. The author makes a rigorous examination of the incorporation of ADR into our courts and the highly contended issues of regulation and the role of lawyers in ADR. Based on the constitutional recognition of ADR and TDR mechanisms in Kenya under Article 159 of the Constitution, the book examines some of the teething challenges that are likely to arise in implementing these provisions.

This book is essential to the ADR professional and the juridically inclined, but it may also be useful to those who believe in equal access to justice for all, and those who uphold the ideal that human beings can live together in peace and harmony.

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