

Journal of Conflict Management & Sustainable Development



- Reconceptualizing Corporate Governance for Sustainable Development Hon. Dr. Kariuki Muigua
- Harnessing technology to foster biodiversity conservation for Sustainable Development Anne Wairimu Kiramba
- Reviewing Kenya's Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020 to Address the Threat of Hostile Drones and Artificial Intelligence Michael Sang
- The Mental Health Situation Among Teachers in Learning Institutions in Kenya: A Concern for Attainment of Quality Education (SDG No. 4) Dr. Winnie Waiyaki & Dr. Gowon Cherui
- Fostering Africa's Blue Economy: Problems and Promises Hon. Dr. Kariuki Muigua
- Operationalizing the Compensation of Victims of Terrorism Fund in Kenya: A Step Towards Compliance with Statutory and International Obligations Michael Sang
- Journal Review: Alternative Dispute Resolution Journal Vol 11 (3) Mwati Muriithi
- Cultivating Sustainability: Nurturing Resilient Agriculture for a Greener Future Dr. Dynesius Nyangau
- Fragile Ecosystems, Fragile Peace: Examining the Fragility of Peace and Security in the Face of Climate Change in Northern Kenya Ndirangu Ngunjiri
- Actualizing Africa's Green Dream Hon. Dr. Kariuki Muigua
- The Role of Alternative Dispute Resolution in the Management of Water Related Disputes in Kenya Maryanne Mburu
- Parliamentary Scrutiny of Statutory Instruments in Kenya: Problematic Implications for Criminal Justice and Proposals for Amendment Michael Sang

Volume 10

Issue 5

2023

ISBN 978-9966-046-15-4

**Journal Review: Alternative Dispute Resolution (ADR) Journal
Volume 11 Issue 3**

*By: Mwati Muriithi**

Published in July 2023, the Alternative Dispute Resolution (ADR) Journal, Volume 11, Issue 3 is a publication of the Chartered Institute of Arbitrators, Kenya Branch. It provides a platform for scholarly debate and in-depth investigations into both theoretical and practical questions in Alternative Dispute Resolution.

The Journal covers pertinent and emerging issues across all ADR mechanisms including arbitration, mediation, negotiation, adjudication and traditional justice systems. It is now one of the most cited publications in the fields of ADR and Access to Justice in Kenya and across the globe.

It is edited by Hon. Dr. Kariuki Muigua, Ph.D a member of the Permanent Court of Arbitration, who was awarded: the ADR Practitioner of the Year 2022, The African Arbitrator of the Year 2022; The Chartered Institute of Arbitrators (CIArb) (Kenya Branch) ADR Lifetime Achievement Award 2021; The ADR Publisher of the Year 2021 and The Law Society of Kenya (LSK) ADR Practitioner of the Year Award 2021.

His book, *Settling Disputes through Arbitration in Kenya, 4th Edition*; Glenwood publishers 2022, was awarded the Publication of the Year Award 2022. He is a member of the National Environment Tribunal

** LLB (Hons) KU; Dip. In Law (KSL); ACI Arb; Advocate of the High Court of Kenya; Legal Researcher*

which was awarded the best performing Tribunal in Kenya for handling the most cases.

Hon. Dr. Kariuki Muigua has demonstrated his prowess and sound understanding of Conflict Management in his paper *'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution'*. The paper critically discusses the need to reframe conflict management in the East African Community (EAC) in order to fully capture the spirit of Alternative Dispute Resolution (ADR) mechanisms. The paper argues that ADR mechanisms in African societies including the EAC ought to be considered *'Appropriate'* and not *'Alternative'* in access to justice.

Hon. Dr. Wilfred A Mutubwa has done three case summaries titled *'Efficiency in Arbitration and Multiple Appeals Agrium V Orbis Engineering Field Services'*, *Designating A Seat of Arbitration Away from The Domicile of the Parties Pasl Wind Solutions Limited V Ge Power Conversion India* and *'Commencement of The Arbitral Process and Significance of the Notice of Dispute Envirocheck Limited -V- The Sisters of Notre Dame De Namur Registered Trustees, The Chairman Ciarb Kenya Branch & Eng. Henry Ngugah Odongo.'* The case summaries discuss relevant and pertinent issues in arbitration. The author succinctly captures the key issues in these cases and the Court's analysis of these issues.

Mwati Muriithi, in his paper *'Book Review: Nurturing Our Environment for A Green Tomorrow'*, comprehensively reviews Hon. Dr. Kariuki Muigua's book *'Nurturing Our Environment for A Green Tomorrow, Glenwood Publishers, 2023'* which contains a collection of independent papers written over time.

'Does The Work Injury Benefits Act Fit in The Alternative Dispute Resolution Framework? Rethinking The Work Injury Benefits Act in Kenya' by Wangunyu Cynthia Wambui & Mohammed Abdullahi Hassan, critically examines the affinity of the Work Injury Benefits Act within the alternative dispute resolution (ADR) framework in Kenya, with the objective of proposing potential improvements.

Hon. Dr. Wilfred A Mutubwa in his paper *'Resolving Oil and Gas Disputes in an Integrating Africa: An Appraisal of the Role of Regional Arbitration Centres'* explores the nature of disputes in the realm of oil and gas in Africa. The paper assesses the role of recent continental and sub-regional developments in regional integration and their role in oil and gas dispute resolution.

'The Alternative Dispute Resolution (ADR) Framework for Tax Dispute Resolution in Kenya' by Hon. Dr. Kariuki Muigua discusses the legal framework for the use of ADR in tax dispute resolution in Kenya with South Africa as a case study. The author undertakes a critique of the framework for ADR of tax disputes in Kenya incorporating an assessment of the successes, challenges and limitations.

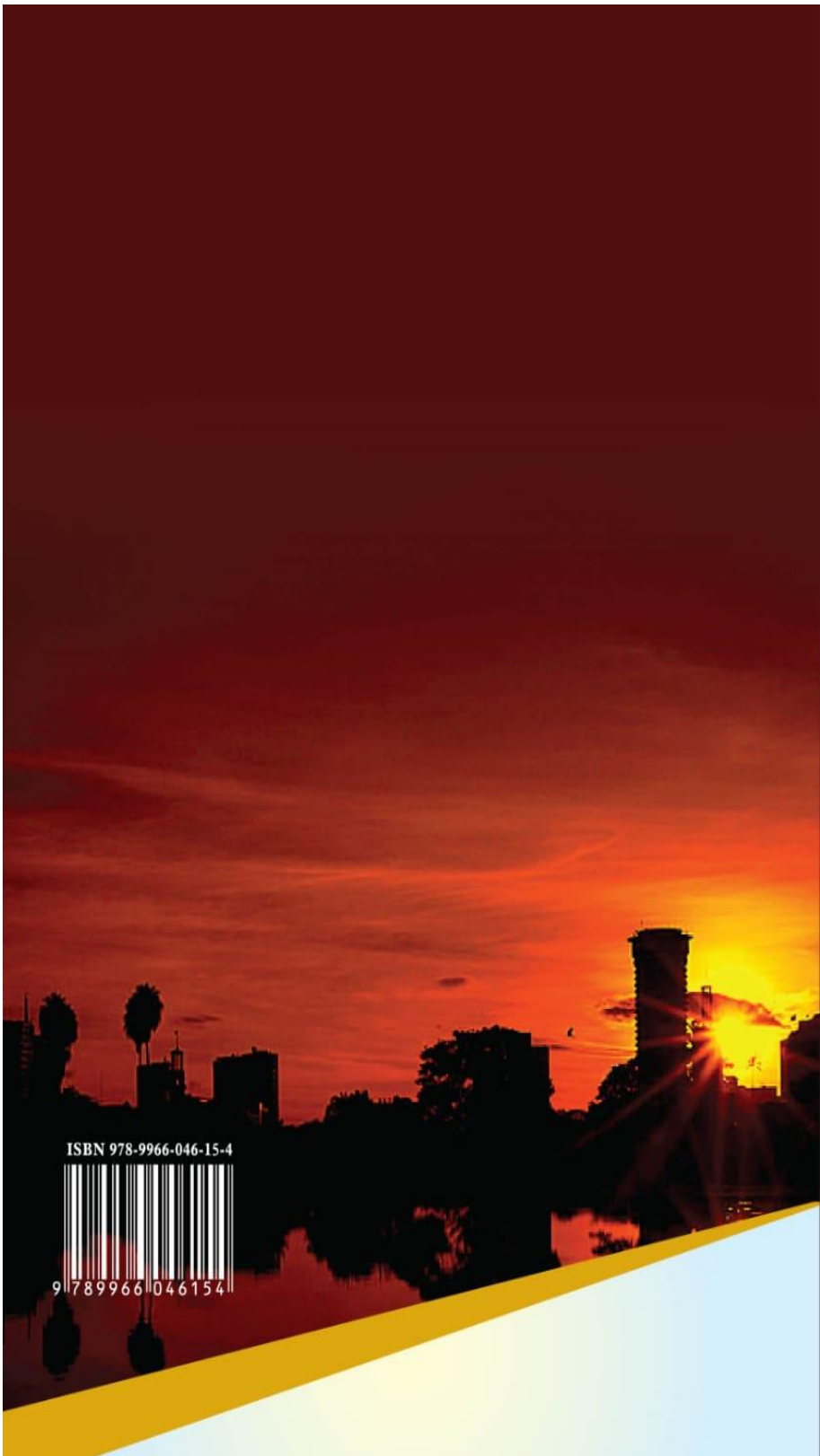
'Review: Journal of Conflict Management and Sustainable Development Volume 10 Issue 1', by Mwati Muriithi comprehensively reviews the *'Journal of Conflict Management and Sustainable Development Volume 10 Issue 1'* which has continued to grow as a key academic resource in the fields of Conflict Management, Sustainable Development and related fields of knowledge.

'Towards Enhanced Access to Justice: Leveraging the Role of Kenyan Law Schools in Promoting ADR' by Murithi Antony discusses the idea of access to justice, and the challenges facing it in Kenya. The paper

examines the efficacy of ADR, its inadequacies and explores how Kenyan law schools can contribute to its development as a means to improve access to justice, particularly for marginalized communities. Florence Mithamo in her paper, *'The Promise of Justice: Towards The Effective Resolution of Family Disputes'* demonstrates how alternative justice systems can be modified to be more child-friendly in matters involving the child, as well as shedding light on the existing gaps in Kenya's legal provisions.

'Addressing Construction Related Disputes in Kenya Taking into Consideration Environmental Factors' by Shalom Bright Omondi & Irene Makau Musengya explores the issue of construction-related disputes in Kenya with a particular focus on the environmental harm caused by construction activities and the benefits of Alternative Dispute Resolutions in handling such disputes.

Lastly, *'Using Artificial Intelligence (AI) to Address Contemporary Concerns About Arbitration as an Alternative Dispute Resolution Mechanism in Kenya'* by Eunice Nyiero interrogates the use of Artificial Intelligence as a complementary tool in addressing alternative dispute resolution concerns in practice. The paper addresses the setbacks in ADR and how AI can be positively used to influence a positive, accurate and timely feedback on ADR matters.



ISBN 978-9966-046-15-4



9 789966 046154