

*Afrocentric Mediation for Justice, Harmony, Peace, Ubuntu and Ma'at: Embracing Artificial Intelligence (AI) and other Technologies to Enhance Efficiency*

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**Kariuki Muigua**

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**Afrocentric Mediation for Justice, Harmony, Peace, Ubuntu and Ma'at: Embracing Artificial Intelligence (AI) and other Technologies to Enhance Efficiency**

**Kariuki Muigua\***

**Abstract**

*This paper critically examines how AI and other technologies can be appropriately harnessed towards Afrocentric mediation. The paper observes that mediation has been part and parcel of conflict management in Africa since time immemorial. In particular, the paper notes that mediation is well anchored in the core values and principles of conflict management in Africa including justice, harmony, peace, Ubuntu and Ma'at. Despite its appropriateness on conflict management in Africa, the paper notes that the current landscape of mediation in the continent faces several obstacles. Consequently, the paper argues that the emergence of AI and other technologies promises to make mediation more efficient, appropriate, expeditious and cost-effective. The paper discusses how AI and other technologies can be effectively embraced towards Afrocentric mediation for justice, harmony, peace, Ubuntu and Ma'at.*

**1.0 Introduction**

Mediation is one of the Alternative Dispute Resolution (ADR) processes. The term ADR covers a set of approaches and techniques aimed at resolving disputes in a non-confrontational manner<sup>1</sup>. In addition, ADR has been described as a term that includes all dispute resolution methods other than court proceedings<sup>2</sup>. It has been observed that ADR encompasses a wide range of dispute management techniques that function outside formal court processes<sup>3</sup>. Further, it has been pointed out that ADR encompasses a spectrum of less costly and more expeditious alternatives to litigation, where a neutral party assists the disputing parties in reaching resolution<sup>4</sup>. However, it has been correctly noted that in some ADR processes such as negotiation, parties to a conflict meet to identify and discuss the issues at hand so as to arrive at a mutually acceptable solution without the help of a third party<sup>5</sup>.

ADR covers various processes and techniques including negotiation, mediation, arbitration, conciliation, adjudication, expert determination, early neutral evaluation, and Traditional Dispute Resolution Mechanisms (TDRMs) among others<sup>6</sup>. These processes may be linked to but function outside formal court

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<sup>1</sup> United Nations., 'Alternative Dispute Resolution Approaches and their Application in Water Management: A Focus on Negotiation, Mediation and Consensus Building' Available at [https://www.un.org/waterforlifedecade/water\\_cooperation\\_2013/pdf/adr\\_background\\_paper.pdf](https://www.un.org/waterforlifedecade/water_cooperation_2013/pdf/adr_background_paper.pdf) (Accessed on 26/05/2026)

<sup>2</sup> Alternative Dispute Resolution (ADR), Available at [https://uk.practicallaw.thomsonreuters.com/0-107-6391?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/0-107-6391?transitionType=Default&contextData=(sc.Default)&firstPage=true) (Accessed on 26/05/2026)

<sup>3</sup> Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

<sup>4</sup> JAMS ADR., 'What is ADR' Available at <https://www.jamsadr.com/adr-spectrum/> (Accessed on 26/05/2026)

<sup>5</sup> Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>6</sup> Ibid

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litigation processes<sup>7</sup>. ADR mechanisms provide numerous advantages in the administration of justice including a system with procedural flexibility, a broad range of remedial options, and a focus on individualized justice<sup>8</sup>. In addition, ADR allows for more creative and collaborative solutions than that those available in traditional litigation<sup>9</sup>. ADR mechanisms contain several key attributes including informality, privacy, confidentiality, flexibility and the ability to promote expeditious and cost-effective management of disputes which makes them a viable tool in conflict management<sup>10</sup>.

Mediation is a fundamental ADR process which provides numerous advantages towards effective conflict management. Mediation is an ADR process where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information, thus aiding in the process of reaching an agreement<sup>11</sup>. Mediation has also been described as a non-adversarial and collaborative process through which an impartial third party, known as a mediator, helps parties in a dispute reach a resolution through interest-based negotiations<sup>12</sup>. Mediation provides several advantages including informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost-effective management of conflicts making it an appropriate process in dispute resolution<sup>13</sup>. It has been observed that mediation is a voluntary, collaborative and consensus-based process and it therefore leads to resolutions and outcomes that are effective, longer lasting and more sustainable than adversarial processes or otherwise imposed outcomes such as litigation and arbitration<sup>14</sup>. The United Nations observes that the premise of mediation is that in the right environment, parties to a conflict can improve their relationships and move towards collaboration and cooperation<sup>15</sup>.

Due to its key attributes and advantages, mediation is being embraced globally. In particular, mediation has been practiced in Africa for many centuries<sup>16</sup>. However, mediation, both globally and in Africa, also faces several challenges including inadequate human and institutional capacities, power imbalances and enforceability challenges<sup>17</sup>. In light of these challenges, it has been observed that emergence of Artificial

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<sup>7</sup> Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

<sup>8</sup> Main. T., 'ADR: The New Equity.' Available at [https://www.researchgate.net/profile/ThomasMain/publication/228182886\\_ADR\\_The\\_new\\_equity/links/53d00e470cf2fd75bc5c57a5/ADR-The-newequity.pdf](https://www.researchgate.net/profile/ThomasMain/publication/228182886_ADR_The_new_equity/links/53d00e470cf2fd75bc5c57a5/ADR-The-newequity.pdf) (Accessed on 26/05/2026)

<sup>9</sup> JAMS ADR., 'What is ADR' Op Cit

<sup>10</sup> Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

<sup>11</sup> Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2<sup>nd</sup> Edition., 2017

<sup>12</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Available at [https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation\\_UNDPAUNEP2015\\_0.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf) (Accessed on 26/05/2026)

<sup>13</sup> Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

<sup>14</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>15</sup> United Nations., 'Guidance for Effective Mediation' Available at [https://unrcca.unmissions.org/sites/default/files/dpa\\_msu\\_guidance\\_english\\_web.pdf](https://unrcca.unmissions.org/sites/default/files/dpa_msu_guidance_english_web.pdf) (Accessed on 26/05/2026)

<sup>16</sup> Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

<sup>17</sup> Ibid

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Intelligence (AI) and other technologies promises to make mediation more efficient, appropriate and expeditious for enhanced access to justice<sup>18</sup>.

This paper critically examines how AI and other technologies can be appropriately harnessed towards Afrocentric mediation. The paper observes that mediation has been part and parcel of conflict management in Africa since time immemorial. In particular, the paper notes that mediation is well anchored in the core values and principles of conflict management in Africa including justice, harmony, peace, Ubuntu and Ma'at. Despite its appropriateness on conflict management in Africa, the paper notes that the current landscape of mediation in the continent faces several obstacles. Consequently, the paper argues that the emergence of AI and other technologies promises to make mediation more efficient, appropriate, expeditious and cost-effective. The paper discusses how AI and other technologies can be effectively embraced towards Afrocentric mediation for justice, harmony, peace, Ubuntu and Ma'at.

## **2.0 Mediation in the African Context: Promises and Pitfalls**

Mediation has been practiced in Africa for many centuries. The practice of mediation in Africa traces back to the very origin of mankind<sup>19</sup>. Before the advent of modern conflict strategies in Africa, virtually all communities in the continent had well established mechanisms and institutions for conflict prevention, conflict management, peace-building, peace-making and peace-education<sup>20</sup>. It has been observed that these institutions and processes were effective and highly respected and the outcomes binding upon all parties<sup>21</sup>. In particular, conflicts in African societies are viewed as a threat to peaceful coexistence and harmony<sup>22</sup>. Consequently, African societies have throughout time adopted conflict management strategies that are geared towards amicable management of conflicts in order to preserve the social fabric which tied such communities together<sup>23</sup>. Communities in Africa have utilised informal processes including mediation, negotiation, arbitration and conciliation in conflict resolution since time immemorial<sup>24</sup>.

Mediation is therefore well-entrenched as part and parcel of conflict management in Africa. For many centuries, conflict management in African societies involved informal hearings led by highly respected individuals in the society and institutions such as the council of elders in which a discussion ensued whereby an amicable decision was reached<sup>25</sup>. It has been noted such individuals including elders served as mediators rather than judges<sup>26</sup>. Mediation is a preferred process for conflict resolution, conflict prevention and peace-

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<sup>18</sup> International Bar Association., 'Guidelines on the Use of Generative Artificial Intelligence in Mediation' Available at <https://www.ibanet.org/document?id=Guidelines-on-the-use-of-generative-AI-in-mediation> (Accessed on 26/05/2026)

<sup>19</sup> Laibuta. K., 'Contending with Multiple Legal Orders for Wholesome Dispute Resolution' Available at <https://lc-adr.net/wp-content/uploads/2017/10/ADR-IN-AFRICA-2.pdf> (Accessed on 26/05/2026)

<sup>20</sup> African Traditional Conflict Resolution Methods., Available at <https://www.scribd.com/document/363363850/Conflicts-in-African-Traditional-Society> (Accessed on 26/05/2026)

<sup>21</sup> Awoniyi. S., 'African Cultural Values: The Past, Present and Future' *Journal of Sustainable Development in Africa* , Volume 17, No.1, 2015

<sup>22</sup> Adeyinka. A., & Lateef. B., 'Methods of Conflict Resolution in African Traditional Society' *An International Multidisciplinary Journal*, Ethiopia Vol. 8 (2).

<sup>23</sup> Ibid

<sup>24</sup> Laibuta. K., 'Contending with Multiple Legal Orders for Wholesome Dispute Resolution' Available at <https://lc-adr.net/wp-content/uploads/2017/10/ADR-IN-AFRICA-2.pdf> (Accessed on 26/02/2026)

<sup>25</sup> Batchelor. B., Chetty. N., & Makore. S., 'Incorporating Afrocentric Alternative Dispute Resolution in South Africa's Clinical Legal Education' Available at <https://www.saflii.org/za/journals/LDD/2021/17.pdf> (Accessed on 26/05/2026)

<sup>26</sup> Ibid

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building among Africa societies since it adheres to the core values, principles and philosophies revered all over the continent. For instance, it has been correctly noted that conflict management in African societies is aimed at creating consensus, facilitating reconciliation, fostering peace, harmony and cohesion and gives prominence to communal needs over individual needs in line with the African philosophy of *Ubuntu/Utu*<sup>27</sup>. The philosophy of *Ubuntu* is usually applied in conflict management in Africa with humanness, peace, justice, harmony and reconciliation at the centre of the decision-making process<sup>28</sup>. Further, the principles of Ma'at including truth, balance, order, harmony, reciprocity, propriety, and justice are part and parcel of conflict management in order to ensure the well-being and prosperity of both individuals and societies<sup>29</sup>.

All over Africa, mediation has been utilised in conflict management throughout history due to its ability to promote and preserve core values, principles and philosophies that tie communities together. These values, principles and philosophies include justice, harmony, peace, *Ubuntu* and Ma'at. In particular, it has been observed that mediation is deeply rooted in the culture and customs of the people of Africa due to its focus on reconciliation, justice, peace and harmony making it an appropriate process in conflict management<sup>30</sup>. Mediation and ADR aligns with Africa's community-oriented societies, where reconciliation, peace and harmony is prioritized over retribution<sup>31</sup>. In addition, mediation in Africa honours the spirit of *Ubuntu* by giving prominence to cooperation, reconciliation, harmony, and peaceful co-existence among individuals and within communities<sup>32</sup>. In addition, since Ma'at emphasises core values and principles including truth, balance, order, harmony, reciprocity, propriety, and justice, mediation is well positioned to promote these ideals<sup>33</sup>.

Despite its appropriateness in promoting justice, harmony, peace, *Ubuntu* and Ma'at, the current practice of mediation in Africa faces several challenges. For instance, the exclusion of key stakeholders such as women and traditional institutions including elders undermines the viability and effectiveness of mediation processes in Africa<sup>34</sup>. In addition, it has been observed that attempts to formalize and integrate mediation with judicial processes can lead to loss of its key attributes such as confidentiality, informality and privacy which have been fundamental for the success of Afrocentric mediation for many centuries<sup>35</sup>. Inadequate human and institutional capacity and enforceability challenges have also been identified as some of the key

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<sup>27</sup> Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

<sup>28</sup> Batchelor. B., Chetty. N., & Makore. S., 'Incorporating Afrocentric Alternative Dispute Resolution in South Africa's Clinical Legal Education' Op Cit

<sup>29</sup> The Seven Principles of Ma'at., Available at <https://iseumsanctuary.com/2020/07/12/the-seven-principles-of-maat/> (Accessed on 26/05/2026)

<sup>30</sup> The Influence Of Culture On Mediation In The African Context., Available at <https://worldmediation.org/the-influence-of-culture-on-mediation-in-the-african-context/> (Accessed on 26/05/2026)

<sup>31</sup> Africa: A Rising Hub for Alternative Dispute Resolution., Available at <https://www.linkedin.com/pulse/africa-rising-hub-alternative-dispute-lvlye/> (Accessed on 26/05/2026)

<sup>32</sup> Motsisi. M., 'Mediation & Ubuntu' Available at <https://www.mmatheomotsisi.com/mediation-ubuntu/#:~:text=Ubuntu%20as%20the%20Primeval%20Model,promotes%20genuine%20trust%20and%20openness> (Accessed on 26/05/2026)

<sup>33</sup> The Seven Principles of Ma'at., Op Cit

<sup>34</sup> World Mediation Organization., 'The Influence Of Culture On Mediation In The African Context' Available at <https://worldmediation.org/the-influence-of-culture-on-mediation-in-the-african-context/> (Accessed on 26/05/2026)

<sup>35</sup> Muigua. K., 'Fusion of Mediation and other ADR Mechanisms with Modern Dispute Resolution in Kenya: Prospects and Challenges.' Available at <https://kmco.co.ke/wp-content/uploads/2022/11/Fusion-of-Mediation-and-Other-ADR-Mechanisms-with-Modern-Dispute-Resolution-in-Kenya-Prospects-and-Challenges.pdf> (Accessed on 26/05/2026)

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obstacles facing mediation in Africa<sup>36</sup>. In light of these concerns, modern technologies including AI have emerged as a powerful tool that can enhance the effectiveness, efficiency and appropriateness of mediation for enhanced access to justice both globally and in Africa<sup>37</sup>.

### **3.0 Embracing Artificial Intelligence and other Technologies to Enhance Efficiency in Mediation in Africa**

The emergence of AI and other technologies provides opportunities to strengthen Afrocentric mediation for justice, harmony, peace, *Ubuntu*, and *Ma'at*. For instance, AI tools can streamline administrative tasks in mediation including through scheduling meetings and organizing information and documents<sup>38</sup>. In addition, it has been observed that AI can undertake research and provide language support and translation thus enhancing efficiency in mediation proceedings<sup>39</sup>. AI also has the potential to improve communication in mediation through generating clear and elaborate texts<sup>40</sup>. Further, by analyzing and interpreting the communication styles and preferences of the various participants in mediation proceedings, AI tools can enable participants to enhance understanding and build trust<sup>41</sup>.

The growth and integration of AI in mediation therefore promises to enhance the efficiency of mediation proceedings. In particular, it has been observed that generative AI tools and systems which are usually trained on vast data sets, have an immense capacity for natural language processing, allowing them to rapidly search, compare, summarize, and extract insights from large volumes of text, images, and data thus improving efficiency and speed of mediation processes<sup>42</sup>. In addition, AI chatbots can be closely involved in negotiations by posing questions aimed at identifying parties' underlying interests, proposing offers, and predicting the likelihood that such offers will be accepted by all parties<sup>43</sup>. Further, AI can support mediators through case assessments, customizing mediation procedures, enhancing understanding of disputes, effective management of mediation sessions and generating options for resolution of disputes<sup>44</sup>. For parties and party representatives, AI provides tools and solutions that can aid in the appointment of mediators, perform risk analysis, assist in the preparation of settlement agreements and adequately prepare for mediation sessions<sup>45</sup>.

In addition to AI, other modern technologies are also revolutionizing and enhancing efficiency in mediation. For instance, technology is supporting online mediation which is conducted through virtual platforms<sup>46</sup>.

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<sup>36</sup> Nathan. L., 'Mediation in African conflicts: The gap between mandate and capacity' Available at <https://www.hdcentre.org/wp-content/uploads/2016/08/111MediationinAfricanconflicts-Thegapbetweenmandateandcapacity-April-2007.pdf> (Accessed on 26/05/2026)

<sup>37</sup> International Bar Association., 'Guidelines on the Use of Generative Artificial Intelligence in Mediation' Op Cit

<sup>38</sup> International Bar Association., 'Guidelines on the Use of Generative Artificial Intelligence in Mediation' Op Cit

<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Shonk. K., 'AI Mediation: Using AI to Help Mediate Disputes' Available at <https://www.pon.harvard.edu/daily/mediation/ai-meditation-using-ai-to-help-mediate-disputes/> (Accessed on 28/05/2026)

<sup>43</sup> Ibid

<sup>44</sup> International Bar Association., 'Guidelines on the Use of Generative Artificial Intelligence in Mediation' Op Cit

<sup>45</sup> Ibid

<sup>46</sup> Muigua. K., 'The Evolving Alternative Dispute Resolution Practice: Investing in Digital Dispute Resolution in Kenya' Available at <https://kmco.co.ke/wp-content/uploads/2022/04/The-EvolvingAlternative-Dispute-Resolution-Practice-Investing-in-Digital-Dispute-Resolution-in-Kenya-KariukiMuigua.pdf> (Accessed on 28/05/2026)

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By embracing modern technologies in mediation and ADR, it is possible to foster access to justice for geographically separated parties including through online filing of pleadings and online mediation proceedings<sup>47</sup>.

Despite their ability to enhance efficiency of mediation, the use of AI and other technologies presents several risks and challenges. For instance, it has been observed that AI is ill-equipped to help parties cope with the strong emotions that usually arise during mediation proceedings<sup>48</sup>. In addition, inaccurate and biased data sets in AI can undermine the core values of mediation including the need for fair, just and sustainable outcomes<sup>49</sup>. Further, concerns over data privacy and security can undermine the effective use of modern technologies in mediation<sup>50</sup>. In the African context, the digital divide undermines the effective use of AI and other technologies in mediation and dispute resolution<sup>51</sup>. Tackling these challenges is necessary in order to effectively embrace AI and other technologies to enhance efficiency in mediation both globally and in Africa.

### **4.0 Conclusion**

Mediation holds a sacred place in Africa. It has been part and parcel of conflict management in the continent since time immemorial. In particular, mediation is well-entrenched in the core values, principles and philosophies of conflict management in Africa including justice, harmony, peace, Ubuntu and Ma'at<sup>52</sup>. However, in light of challenges in the current mediation landscape in Africa, embracing AI and other technologies can ensure efficiency, expeditiousness and cost-effectiveness towards Afrocentric mediation for justice, harmony, peace, Ubuntu and Ma'at.

It is therefore imperative to embrace AI and other modern technologies in order to strengthen the landscape of mediation in Africa. In particular, since the success of mediation relies on the ability of parties to collaborate towards mutually-satisfactory outcomes, AI should be embraced as an assistive tool rather than a decision-maker<sup>53</sup>. It is also of utmost importance to train AI models on indigenous and local languages and data sets in order to effectively promote the concept of Afrocentric mediation<sup>54</sup>.

Embracing AI and other technologies is therefore a practical and viable ideal towards Afrocentric mediation for justice, harmony, peace, *Ubuntu* and Ma'at.

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<sup>47</sup> Ibid

<sup>48</sup> Shonk. K., 'AI Mediation: Using AI to Help Mediate Disputes' Op Cit

<sup>49</sup> Ibid

<sup>50</sup> Muigua. K., 'The Evolving Alternative Dispute Resolution Practice: Investing in Digital Dispute Resolution in Kenya' Op Cit

<sup>51</sup> Ibid

<sup>52</sup> The Influence Of Culture On Mediation In The African Context., Op Cit

<sup>53</sup> AI-Assisted Mediation: Augmenting Human Dialogue or Undermining the Mediator's Role?., Available at <https://sdrc.strathmore.edu/ai-assisted-mediation-augmenting-human-dialogue-or-undermining-the-mediators-role/> (Accessed on 28/05/2026)

<sup>54</sup> Ibid

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