Pyramids in the Sun: Managing Conflicts through Appropriate Dispute Resolution in Africa for Sustainable Development

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Kariuki Muigua

Table of Contents

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Kariuki Muigua[*]

Abstract

This paper critically examines the need for effective conflict management in Africa. The paper argues that Africa is highly vulnerable to internal conflicts and intra and inter-state wars which undermine the quest for Sustainable Development. Consequently, the paper posits that effective conflict management in Africa is a key priority in the pursuit of Sustainable Development. It argues that Africa has immense potential to foster sound conflict management for Sustainable Development. For example, the paper notes that Appropriate Dispute Resolution provides a suitable and Afrocentric approach towards managing conflicts in Africa for Sustainable Development. It examines the idea of Appropriate Dispute Resolution and its role in conflict management in Africa. Further, the paper discusses some of the challenges facing Appropriate Dispute Resolution in Africa. In light of these concerns, the paper proposes reforms towards effectively managing conflicts through Appropriate Dispute Resolution in Africa for Sustainable Development.

1.0 Introduction

Conflicts have been recognised as a major threat to Sustainable Development at all levels. For instance, it has been argued that escalating global and regional conflicts and climate-related emergencies have substantially affected progress towards achieving the Sustainable Development Goals (SDGs)[1]. It has been argued that wars and armed conflicts continue to have negative impacts on Sustainable Development by causing loss

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[*] PhD in Law (Nrb), FCIArb (Chartered Arbitrator),OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [December, 2025].

[1] Taylor. R., 'Sustainable development goals and the impact of global conflict, extreme poverty and climate-related emergencies' Available at https://lordslibrary.parliament.uk/sustainable-development-goals-and-the-impact-of-global-conflict-extreme-poverty-and-climate-related-emergencies/ (Accessed on 04/12/2025)

of human life, economic decline, damage to infrastructure and disruption of essential services including healthcare and education[2]. Conflicts can therefore undermine progress towards Sustainable Development. In particular, it has been argued that armed conflicts pose significant challenges to development and sustainability, leading to economic decline, social dislocation, humanitarian disasters, and environmental damage[3]. Further, it has been pointed out that these impacts can be irreversible or persist long after the end of a conflict, compromising recovery and reconstruction efforts[4].

Effective and appropriate management of conflicts is therefore vital in fostering Sustainable Development. It has been argued that when conflicts are successfully managed, this creates suitable conditions for peace, justice, stability and prosperity towards Sustainable Development[5]. The United Nations *2030 Agenda for Sustainable Development*[6] recognises that there can be no Sustainable Development without peace and no peace without Sustainable Development[7]. Effective conflict management is therefore key in creating and maintaining conditions for durable peace towards Sustainable Development.

This paper critically examines the need for effective conflict management in Africa. The paper argues that Africa is highly vulnerable to internal conflicts and intra and inter-state

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[2] Complex Impacts of Wars on Global Sustainable Development in a Metacoupled World., Available at https://www.researchgate.net/publication/385716943_Complex_Impacts_of_Wars_on_Global_Sustainable_Development_in_a_Metacoupled_World (Accessed on 04/12/2025)

[3] African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Available at https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363#:~:text=Armed%20conflicts%20pose%20significant%20challenges,hindered%20development%20and%20sustainability%20efforts. (Accessed on 04/12/2025)

[4] Ibid

[5] World Bank Group., 'Fragility, Conflict & Violence' Available at https://www.worldbank.org/en/topic/fragilityconflictviolence (Accessed on 04/12/2025)

[6] United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf (Accessed on 04/12/2025)

[7] Ibid

wars which undermine the quest for Sustainable Development. Consequently, the paper posits that effective conflict management in Africa is a key priority in the pursuit of Sustainable Development. It argues that Africa has immense potential to foster sound conflict management for Sustainable Development. For example, the paper notes that Appropriate Dispute Resolution provides a suitable and Afrocentric approach towards managing conflicts in Africa for Sustainable Development. It examines the idea of Appropriate Dispute Resolution and its role in conflict management in Africa. Further, the paper discusses some of the challenges facing Appropriate Dispute Resolution in Africa. In light of these concerns, the paper proposes reforms towards effectively managing conflicts through Appropriate Dispute Resolution in Africa for Sustainable Development.

2.0 Impact of Conflicts on Sustainable Development in Africa

The prevalence of conflicts is a major threat in achieving Sustainable Development in Africa. It has been argued that for many decades, several African countries have been characterized by internal conflicts, intra and inter-state wars, and political instability threatening peace, security and development[8]. There have been frequent conflicts across Africa, which are fueled by various factors, including but not limited to natural resources, fight for political control, poverty, negative ethnicity, religion, environmental causes, and external influence, among others[9]. Further, it has been argued that weak governance, historical animosities, exclusionary politics, contested legitimacy, competition over natural resources, external influence and extremist ideologies among other factors have combined to create various episodes of violent conflict across the Africa since most countries gained their independence[10].

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[8] Olaosebikan. A., 'Conflicts in Africa: Meaning, Causes, Impact and Solution.' *African Research Review*., Volume 4, No. 4 (2010)

[9] Muigua. K., 'Towards Effective Peacebuilding and Conflict Management in Kenya.' Available at https://kmco.co.ke/wp-content/uploads/2021/05/Towards-Peacebuilding-and-Conflict-Managementin-Kenya.docx-Kariuiki-Muigua-MAY-2021x.pdf (Accessed on 05/12/2025)

[10] Gilpin. R., 'Understanding the Nature and Origins of Violent Conflict in Africa' Available at https://africacenter.org/wp-content/uploads/2019/05/Understanding-the-nature-and-origins-of-violent-conflcit-in-Africa-Raymond-Gilpin.pdf (Accessed on 05/12/20250

The United Nations points out that while most conflicts in Africa are intra-state in nature, over the past few decades, many conflicts in the continent have become more complex and regionalized[11]. Further, it asserts that violent conflicts and instability in Africa are driven by several causes including disputes over political power, religious and ethnic tensions, corruption, ineffective justice systems, inequalities in access to basic services, competition over natural resources and poor governance frameworks[12]. As a result of these conflicts, it has become more challenging to secure lasting peace in Africa, with protracted and recurring conflict more difficult to prevent or resolve, often because their underlying causes are not well understood or addressed[13].

Conflicts are therefore a common occurrence in Africa. It has been argued that almost all African countries have experienced some form of conflict[14]. For instance, the fragile circumstances and transitions that African countries have experienced, from independence struggles to post-independence challenges, to the search for stability and statebuilding processes, have left wounds and unaddressed issues that have often triggered conflicts at various levels[15]. The prevalence of conflicts is a major threat to Sustainable Development in Africa. For example, it has been argued that conflicts have had adverse impacts on every aspect and corner of the African family, community and nation, with economic, cultural, political, social, and environmental costs[16]. Fragile and conflict-affected settings usually suffer some from limited resources, inadequate access

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[11] United Nations., 'Promotion of durable peace and Sustainable Development in Africa' Available at https://www.un.org/osaa/sites/www.un.org.osaa/files/docs/2109875_osaa_sg_report_web_new.pdf (Accessed on 05/12/2025)

[12] Ibid

[13] Ibid

[14] Gluhbegovic. R., 'Types of Conflict in Africa' Available at https://www.eisa.org/storage/2023/05/occasional-paper-2016-types-of-conflict-in-africa-how-do-the-aprm-reports-address-conflict-south-africa-eisa.pdf (Accessed on 05/12/2025)

[15] Ibid

[16] Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Available at https://www.cambridgescholars.com/resources/pdfs/978-1-4438-5707-9-sample.pdf (Accessed on 05/12/2025)

to basic services, poor governance, weak institutions and inequality thus undermining development[17]. In addition, conflicts fuel the loss of civilian lives, the displacement of populations, loss of livelihoods, increased poverty, and social fragmentation therefore hindering progress towards Sustainable Development[18].

The United Nations notes that instability and conflict continue to generate and exacerbate poverty and institutional fragility in Africa posing a threat to the continent's development efforts[19]. Further, conflicts and wars have worsened instability, human rights abuses and humanitarian crises in Africa[20]. For instance, conflicts undermine the ability of citizens to access vital needs and basic services such as food, water, healthcare and education fuelling human rights violations while contributing to poverty, inequality and underdevelopment[21]. Conflicts also fuel environmental degradation in Africa. It has been argued that despite the protection afforded by several legal instruments, the environment continues to be the silent victim of armed wars and conflicts all over the world including in Africa[22]. Further, it has been pointed out that conflicts can impact natural resources such wildlife, protected areas, vital ecological sites and other natural ecosystems thus undermining Sustainable Development[23]. Use of unsustainable military tactics including polluting water resources, bombing of industrial sites, torching down crops and forests, poisoning soils, use of chemical weapons and killing animals usually

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[17] Supporting Green Growth in Fragile and Conflict-affected Settings., Available at https://www.enterprise-development.org/wp-content/uploads/GG-Fragile-Contexts-Technopolis.pdf (Accessed on 05/12/2025)

[18] Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Available at https://www.graygroupintl.com/blog/peace-and-sustainable-development (Accessed on 05/12/2025)

[19] United Nations., 'Promotion of durable peace and Sustainable Development in Africa' Op Cit

[20] United Nations., 'UN-African Union Cooperation a Must, As Landscape of Conflict Shifts' Available at https://www.un.org/africarenewal/magazine/october-2023/un-african-union-cooperation-must-landscape-conflict-shifts-0 (Accessed on 05/12/2025)

[21] Ibid

[22] United Nations Environment Programme., 'Rooting for the environment in times of conflict and war' Available at https://www.unep.org/news-and-stories/story/rooting-environment-times-conflict-and-war (Accessed on 05/12/2025)

[23] African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Op Cit

contributes to environmental damage and degradation in times of conflict[24]. It has been argued that armed conflicts that are occurring in Africa and all over the world are causing environmental damage and degradation through large-scale massacres and illicit trafficking of wildlife and endangered species, overexploitation of forests and other natural resources, degradation of protected areas, dumping of hazardous military waste, destruction of agricultural land, and water poisoning among others[25].

From the foregoing, it is evident that conflicts are a major threat to Sustainable Development in Africa. Effective conflict management in Africa is therefore vital for Sustainable Development.

3.0 Managing Conflicts through Appropriate Dispute Resolution in Africa

Africa is highly susceptible to conflicts which are a major threat to Sustainable Development. Consequently, effective conflict management in Africa is a key priority towards ensuring that the Sustainable Development agenda is realised in the continent. It has been argued that conflicts in Africa are usually protracted and recurring since their underlying causes are not adequately addressed[26]. Consequently, it is necessary to apply appropriate strategies towards managing conflicts in Africa for Sustainable Development.

The idea of Appropriate Dispute Resolution connotes the suitability and efficacy of certain processes in managing conflicts for peace, prosperity and development[27]. In particular, it has been argued that Alternative Dispute Resolution (ADR) processes including negotiation, mediation, conciliation, arbitration and Traditional Dispute

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[24] Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Available at https://www.genevaenvironmentnetwork.org/resources/updates/protecting-the-environment-inarmed-conflict/ (Accessed on 05/12/2025)

[25] African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Op Cit

[26] United Nations., 'Promotion of durable peace and Sustainable Development in Africa' Op Cit

[27] P. Fenn, 'Introduction to Civil and Commercial Mediation', in Chartered Institute of Arbitrators, *Workbook on Mediation,* (CIArb, London, 2002), pp. 50-52

Resolution Mechanisms (TDRMs) are appropriate in conflict management[28]. These processes offer numerous advantages in conflict management including a system with procedural flexibility, a broad range of remedial options, and a focus on individualized justice[29]. In addition, most ADR mechanisms contain key attributes including informality, privacy, confidentiality, flexibility and the ability to promote expeditious and cost-effective management of disputes which makes them an appropriate tool in managing conflicts for Sustainable Development[30]. With the exception of binding arbitration, the goal of ADR is to provide a forum for disputing parties to work toward a voluntary, consensual agreement, as opposed to having a judge or other authority impose an outcome upon them[31]. Further, ADR processes such as negotiation, mediation and conciliation allow for more creative and collaborative solutions than that those available in traditional litigation[32]. Further, by utilising ADR, it is possible to address the root causes of conflict thus resulting in mutually satisfying, long- lasting and sustainable outcomes and eliminating the likelihood of conflicts reemerging in future[33].

Due to the foregoing attributes and advantages, it has been argued that ADR mechanisms should be considered as '*appropriate*' and not '*alternative*'[34]. The use of the term '*alternative*' presupposes that mechanisms such as negotiation, mediation, arbitration, conciliation

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[28] Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

[29] 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 (Accessed on 05/12/2025)

[30] Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

[31] Alternative Dispute Resolution., Available at https://www.dol.gov/general/topic/labor-relations/adr#:~:text=Types%20of%20ADR%20include%20arbitration,%2C%20neutral%20factfinding%2C%20and%20minitrials. (Accessed on 05/12/2025)

[32] JAMS ADR., 'What is ADR' Available at https://www.jamsadr.com/adr-spectrum/ (Accessed on 05/12/2025)

[33] Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition, 2017

[34] Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution' Available at https://kmco.co.ke/wp-content/uploads/2023/06/Reframing-Conflict-Management-in-the-East-African-Community-Moving-from-Alternative-to-Appropriate-Dispute-Resolution-1.pdf (Accessed on 05/12/2025)

and TDRMs are inferior and second-best to litigation which is not the case[35]. In most cases, these processes are viable and more effective than litigation hence they should be conceptualized as *'appropriate'* and not *'alternative[36]'*.

In particular, Appropriate Dispute Resolution is an effective approach in managing conflicts in Africa for peace, stability, security and prosperity towards Sustainable Development[37]. ADR mechanisms including arbitration, negotiation, mediation, conciliation and TDRMs have been part and parcel of conflict management in Africa since time immemorial[38]. Consequently, it has been argued that ADR mechanisms in Africa trace back to the very origin of mankind[39]. Throughout history, conflict management in Africa has taken the form of informal negotiation, mediation, reconciliation and arbitration among other techniques[40]. It has been argued that these mechanisms are considered *'appropriate'* and not *'alternative'* in conflict management since they are able to safeguard values that are inherent in African societies and foster peace and social cohesion[41]. In particular, it has been argued that ADR processes are appropriate in Africa since they are well-aligned to the concepts of justice in Africa and its core values of peace, truth, harmony and reconciliation[42].

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[35] P. Fenn, 'Introduction to Civil and Commercial Mediation' Op Cit

[36] Ibid

[37] Muigua. K., 'Securing Lasting Peace through Appropriate Dispute Resolution: A Reflection' Available at https://kmco.co.ke/wp-content/uploads/2024/08/Securing-Lasting-Peace-through-Appropriate-Dispute-Resolution-A-Reflection-x.pdf#:~:text=ADR%20techniques%20are%20ideal%20in,and%20inclusivity%20in%20conflict%20management88. (Accessed on 05/12/2025)

[38] Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

[39] 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 05/12/2025)

[40] Kariuki. F., 'Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities.' Available at http://kmco.co.ke/wp-content/uploads/2018/08/Conflict-Resolution-by-Elders-successeschallenges-and-opportunities-1.pdf (Accessed on 05/12/2025)

[41] Adeyinka. A., & Lateef. B., 'Methods of Conflict Resolution in African Traditional Society' *An International Multidisciplinary Journal*, Ethiopia Vol. 8 (2).

[42] Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

Managing conflicts through Appropriate Dispute Resolution is therefore an urgent priority towards achieving Sustainable Development in Africa. It has been argued that ADR mechanisms including negotiation, mediation, arbitration and conciliation can play an important role in building peace in Africa by preventing and managing conflicts and enhancing security and stability[43]. Access to justice through the court system in Africa remains a challenge with many African countries still struggling to establish functional, timely, accessible, affordable and trusted judicial systems[44]. Consequently, it has been argued that ADR in Africa has grown into a popular channel outside formal procedures for parties to resolve disputes in timely, cost-effective and efficient manner, while restoring the parties' sense of justice and fostering peace[45]. By focusing on collaboration and cooperation, ADR processes such as negotiation, mediation and conciliation provide an appropriate platform for parties to resolve their differences and design long-lasting and mutually satisfactory outcomes which can ensure durable peace and Sustainable Development in Africa[46].

ADR is therefore an appropriate tool in managing conflicts for Sustainable Development in Africa. However, it has been argued that the notion of Alternative Dispute Resolution has hindered the growth of ADR mechanisms in Africa and their role in building peace since they are viewed as subservient to formal justice systems[47]. Further, has been observed that ADR processes and programs in Africa face several challenges, including inadequate political support, human resources, legal foundations, and sustainable financing undermining the ability of citizens to access justice and resolve their differences[48]. In addition, it has been argued that attempts at institutionalizing and fusing

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[43] Ibid

[44] Ibid

[45] Price. C., 'Alternative Dispute Resolution in Africa: Is ADR the Bridge Between Traditional and Modern Dispute Resolution?.' *Pepperdine Dispute Resolution Law Journal*, Volume 18, Issue 3

[46] Muigua. K., 'Securing Lasting Peace through Appropriate Dispute Resolution: A Reflection' Op Cit

[47] Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit

[48] Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability' Op Cit

ADR mechanisms with formal justice processes in Africa could result in the loss of some of the key attributes of Appropriate Dispute Resolution including informality, confidentiality and privacy which are pivotal for their success[49]. It is therefore necessary to address these challenges in order to strengthen the role of Appropriate Dispute Resolution in managing conflicts in Africa for Sustainable Development.

4.0 Conclusion

The prevalence of conflicts is a major impediment to achieving Sustainable Development in Africa. Appropriate Dispute Resolution processes including negotiation, mediation, conciliation and arbitration provide a viable approach and platform towards effectively managing conflicts in Africa for Sustainable Development[50]. It is therefore imperative to put in place effective legal, policy and institutional frameworks in order to enhance the use of Appropriate Dispute Resolution in managing conflicts in Africa[51]. Further, governments have been urged to support the growth of Appropriate Dispute Resolution in Africa including through financing ADR projects, fusing ADR processes with formal justice systems while maintaining their key attributes and fostering public awareness on ADR[52]. It is also vital to enhance the capacity of ADR practitioners including arbitrators, mediators, conciliators, and Traditional Dispute Resolution (TDR) practitioners through education, training and mentorship in order to bolster conflict management through Appropriate Dispute Resolution in Africa[53]. In addition, it is of utmost importance to reframe and consider ADR mechanisms as *'appropriate'* and not *'alternative'* due to their suitability and effectiveness in conflict management in Africa[54]. This is key in giving

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[49] Muigua. K., 'Legitimising Alternative Dispute Resolution in Kenya: Towards a Policy and Legal Framework.' Available at https://kmco.co.ke/wp-content/uploads/2018/08/LEGITIMISING-ALTERNATIVE-DISPUTE-RESOLUTION-MECHANISMS-IN-KENYA.pdf (Accessed on 05/12/2025)

[50] Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

[51] Muigua. K., 'Effective Justice for Kenyans: Is ADR Really Alternative?' Available at https://kmco.co.ke/wp-content/uploads/2018/08/Alternative-Dispute-Resolution-or-Appropriate-Dispute-Resolution.pdf (Accessed on 05/12/2025)

[52] Ibid

[53] Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Op Cit

[54] Ibid

priority to Appropriate Dispute Resolution mechanisms including negotiation, mediation, arbitration, conciliation and TDRMs for effective conflict management in Africa.

Managing conflicts through Appropriate Dispute Resolution in Africa is therefore a suitable and ideal approach in the pursuit of Sustainable Development.

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