

Book Review by Mwati Muriithi*

Title: Accessing Justice Through ADR

Author: Dr. Kariuki Muigua, PhD

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Introduction

This book contains a collection of independent articles on Alternative Dispute Resolution (ADR) written over time. Some have been published in Journals and book chapters. The publication was necessitated by the need to consolidate the author's work in ADR and make it easy for the general readers, scholars, judges and academics to access.

The author, Dr. Kariuki Muigua, PhD, was declared the first ever winner of the CIArb (Kenya Branch) ADR Lifetime Achievement Award, the highest honour given by the Institute to one member for his immense contribution to the growth of practice, research and scholarship of ADR in Kenya and across Africa. The award came barely a week after he had won the coveted Law Society of Kenya ADR Practitioner of the Year Award at the 4th Edition of the Nairobi Legal Awards for his outstanding practice in ADR and especially arbitration and his role as a mentor to many lawyers venturing into the area. He was also awarded the ADR Publisher of the Year for his scholarship, authorship and editorship of leading research and publications on ADR in Africa including the Journal of Conflict Management and Sustainable Development and the Alternative Dispute Resolution (ADR) Journal.

He was the winner of the African Arbitrator of the Year 2022 award at the 3rd African Arbitration Awards held at Kigali Rwanda beating other competitors from Egypt, Mauritius, Ethiopia, Nigeria and Kenya. The African Arbitrator of the Year award is the highest and most prestigious ADR and Arbitration Award in Africa.

He was also awarded the ADR Practitioner of the Year Award 2022 at the AfAA Awards. The award which was presented by the African Arbitration Association is awarded to the Arbitrator/ADR practitioner who is adjudged to have made outstanding achievements in, or contribution to, the development of Arbitration/ADR in Africa.

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He was recognized and awarded for his role as the Chartered Institute of Arbitrators (CIArb) Africa Trustee from 2019 to 2022 by CIArb Kenya Branch at the CIArb Kenya Branch ADR Excellence Awards 2022.

His book, *Settling Disputes through Arbitration in Kenya, 4th Edition*; Glenwood publishers 2022, was awarded the Publication of the Year Award 2022 by CIArb Kenya Branch at the CIArb Kenya Branch ADR Excellence Awards 2022.

He is a member of the National Environment Tribunal which was awarded as the best performing Tribunal in Kenya for handling the most cases.

Dr. Kariuki Muigua has demonstrated his prowess and sound understanding of ADR. He notes that ADR is part of Conflict Management. Conflict management mechanisms include those that are coercive, such as, arbitration and the collaborative or non-coercive ones (negotiation, (re) conciliation and mediation).

He further notes that the term Alternative Justice Systems is also applied to the many mechanisms that are used to administer Justice in Africa and elsewhere. There is also Traditional Justice Systems which incorporate customary practices negotiation, conciliation and arbitration.

The various articles seek to link ADR Mechanisms with the quest for justice. Access to Justice is possible through various mechanisms which include Litigation, Arbitration, Conciliation, Mediation. These mechanisms have existed for time immemorial in Africa.

The author points out that conflict management is culture specific. African communities have various cultures that recognize harmony and 'ubuntu' as part of life. 'I am because we are' is part of that philosophy of conflict management and harmonious living.

At the international level there is the growth of Arbitration and International Commercial Mediation. The debates arising from these developments are also covered in the various papers.

The author emphasizes on the need to write stories from our perspective: The formal and informal mechanisms for conflict management have their place in the totality of the framework for conflict management.

In line with the book, Accessing Justice through ADR is a quest worth pursuing.

Dr. Kariuki Muigua offered the book for free download in his law firm Kariuki Muigua & Co. Advocates website in a quest to realize the key objective of its publication, promoting knowledge on Accessing Justice through ADR.

This book is a must read for ADR students, teachers and tutors of ADR, ADR practitioners and to the general public interested in acquiring knowledge on the various ADR mechanisms and their role in resolving or settling disputes occurring in everyday life.