



**KENYA SCHOOL OF LAW  
PARALEGAL TRAINING PROGRAMME  
(Academic Year 2022-2023)**

**PTP 205: INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION**

**COURSE INSTRUCTOR:**

Ms. Mercy Okiro ([mokiro@ksl.ac.ke](mailto:mokiro@ksl.ac.ke))

**INSTRUCTION HOURS:**

Tuesday

**CONSULTATION:**

On appointment or via official email

**A. INTRODUCTION**

This course is aimed at equipping students with the necessary tools and skills to enable them understand the realms of Alternative Dispute Resolution (ADR) in Kenya. The dispute resolution space has changed globally with ADR being utilized alongside traditional litigation. The students at the end of this course will be equipped to understand the main forms of ADR and how they are used in Kenya. In this way, they will be in a position to fit into the dispute resolution space locally and globally.

**Purpose of the course**

To introduce students to the Alternative Dispute Resolution mechanisms in Kenya.

**Expected Learning outcomes:**

By the end of the course the students should be able to:

1. Explain the various methods of dispute resolution in Kenya;
2. Understand the principles of Alternative Dispute Resolution (ADR);
3. Appreciate the legal underpinnings of ADR in Kenya;
4. Differentiate between the various alternative dispute resolution processes, their essential features, advantages and disadvantages;
5. Explain the requisite skills and roles of players in the various alternative dispute resolution processes;
6. Explain the role of ADR in development.

**Prerequisite:** None

**Contact Hours:** 30

### **Course Assessment**

Continuous Assessment Test: 30%

Written Examinations: 70%

### **Core Reading Materials**

1. Kariuki Muigua, *Alternative Dispute Resolution and Access to Justice in Kenya* (Glenwood, 2015)
2. Githu Muigai, *Arbitration Law and Practice in Kenya* (Law Africa Publishing Ltd, 2011), ISBN
3. Brown H & Marriott A, *ADR: Principles & Practice* (4th edn, Sweet & Maxwell, 2018) ISBN
4. *The Constitution of Kenya, 2010.*
5. *Arbitration Act 1995*
6. *Mediation Practice Rules, 2017*
7. *Alternative Justice Systems Baseline Policy and Framework, Kenya*

### **Recommended Reference Materials**

Brown H & Marriott A, *ADR: Principles & Practice* (2nd edn, Sweet & Maxwell 1999)

Sander F. et al, *Dispute Resolution: Negotiation, Mediation & other Processes* (5th edn, Aspen Publishers 2007)

Karl Mackie et al, *The ADR Practice Guide* ( 2nd edn , Butterworth's 2000)

Muigua Kariuki, *Emerging Jurisprudence in the Law of Arbitration in Kenya: Challenges and Promises available at <http://kmco.co.ke/wp-content/uploads/2018/08/Emerging-Jurisprudence-in-the-Law-of-Arbitration-in-Kenya.pdf>*

Muigua Kariuki, *Settling Disputes through Arbitration in Kenya* (3rd ed., Tausa 2012) Republic v Mohamed Abdow Mohamed [2013] eKLR

## **B. COURSE CONTENT**

### **INTRODUCTION**

#### **1. General Introduction and Overview of the Course**

- a) Introduction & Students Expectations;
- b) Discussion of the outline of the course;
- c) Tools and equipment required.

## 2. Dispute Resolution

- a) Principles of conflict prevention and resolution;
- b) Definition of Dispute Resolution;
- c) Methods of dispute resolution generally;
- d) History and Development of ADR in Kenya.

## 3. Legal Framework for Alternative Dispute Resolution

- a) International Framework;
- b) Regional Framework;
- c) National Framework.

## 4. Essential Features of ADR and Overview of ADR Processes

- a) Essential Features of ADR processes;
- b) Advantages of ADR and criticisms;
- c) Negotiation;
- d) Mediation Including Court Annexed Mediation;
- e) Conciliation;
- f) Hybrid processes;
- g) Arbitration;
- h) Construction Adjudication;
- i) Traditional dispute resolution mechanism.

## 5. ADR Agreements

- a) ADR Agreements and Clauses including Multi-tiered Clauses;
- b) Factors to consider when selecting ADR method.

## 6. The Role of Different Players in ADR

- a) The Role of the Judiciary in ADR;
- b) The Role of Lawyers in ADR;
- c) The Role of Other Representatives and Non-Lawyers in ADR.

## 7. Contemporary Issues and Role of ADR in Society

- a) Careers in ADR;
- b) ADR in Criminal Matters;
- c) ADR and County Governments.

Approved by:

Mr. Mark Mukuha  
Co-ordinator, PTP

Sign:  \_\_\_\_\_

Date: 17/01/2023

Approved by:

Dr. Henry K. Mutai  
Director/CEO

Sign:  \_\_\_\_\_

Date: 19/1/23

