



LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.305>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

ADR AS A CATALYST FOR SUSTAINABLE JUSTICE: RETHINKING INSTITUTIONAL STRENGTH UNDER THE 2030 AGENDA

Rashiqa Akhtar¹ & Sheeza Afrin Khan²

I. ABSTRACT

Sustainable Development Goal 16 (SDG 16) envisions peaceful, just, and inclusive societies grounded in accountable and effective institutions. Yet across jurisdictions, formal justice systems remain overburdened, adversarial, and inaccessible to many, particularly vulnerable communities. In this context, Alternative Dispute Resolution (ADR) has often been viewed merely as a procedural mechanism to reduce court congestion. This paper challenges that narrow perception and argues that ADR must be reconceptualised as a structural and operational instrument for advancing the normative vision of SDG 16. By examining core ADR mechanisms- mediation, conciliation, arbitration, and negotiation- the study maps their contribution to key SDG 16 targets. Dialogue and participatory dispute resolution processes not only resolve conflicts but also prevent their escalation, foster social cohesion, and build institutional trust. In doing so, ADR functions as a form of “peace infrastructure” within domestic and transnational governance systems. The paper further situates ADR within global peacebuilding efforts, including post-conflict reconciliation and community-based justice models. While acknowledging concerns regarding power imbalances, enforceability, and the potential privatisation of justice, it contends that the institutional integration of ADR within judicial, humanitarian, and developmental frameworks offers a pragmatic pathway toward sustainable peace. Through a doctrinal and analytical methodology supported by comparative and policy-oriented evaluation, the study positions ADR not as an alternative to justice, but as an essential component of sustainable governance in the pursuit of the 2030 Agenda. The study further highlights the need for institutional safeguards that ensure transparency,

¹ Fourth Year, B.A. LL.B. (Hons.) Faculty of Law, Jamia Millia Islamia (India).Email: rashiqaakhtar@gmail.com

² Fourth Year, B.A. LL.B. (Hons.) Faculty of Law, Jamia Millia Islamia (India).Email: sheezaakhann@gmail.com

accountability, and fairness within ADR processes, thereby enhancing their contribution to sustainable governance and long-term social stability.

II. KEYWORDS

Alternative Dispute Resolution (ADR); SDG 16; Access to Justice; Peacebuilding; Sustainable Governance.

III. INTRODUCTION

"I had learnt the true practice of law. I had learnt to find out the better side of human nature, and to enter men's hearts. I realized that the true function of a lawyer was to unite parties... I lost nothing, thereby not even money, certainly not my soul." - Mahatma Gandhi

This reflection captures a vision of law that goes beyond rigid procedures and adversarial battles. It reminds us that justice, at its core, is not only about winning or losing, but about resolving conflicts in a way that preserves relationships, dignity, and social harmony. Yet, in today's world, formal legal systems often fall short of this ideal.

Across jurisdictions, courts are increasingly overburdened, slow, and expensive. For many individuals, especially those from vulnerable or marginalised communities, accessing justice is sometimes nearly impossible. This widening "justice gap" reflects deeper structural problem: legal systems that are formally available, yet practically out of reach. In cases involving environmental harm, displacement, or human rights violations, delays and procedural complexities can further aggravate the harm rather than resolve it.

Against this backdrop, ADR should not be viewed merely as a tool for reducing judicial backlog. Instead, it must be recognised as a structural component of sustainable governance. ADR mechanisms, such as mediation, arbitration, and negotiation, have the potential to provide more flexible and context-sensitive solutions by enabling parties to participate more directly in the resolution of their disputes. This approach is not entirely alien to the Indian legal tradition. Justice N.V. Ramana, former Chief Justice of India, has highlighted that collaborative forms of dispute resolution existed in India long before the introduction of the British adversarial system, citing Lord Krishna's mediation attempt in the *Mahabharata* as an

early illustration of both the potential and consequences of failed mediation.³When properly designed, ADR can therefore help bridge the gap between formal legal systems and the lived realities of affected communities.

A. Research Problem

Despite the growing recognition of Alternative Dispute Resolution (ADR) as a mechanism for reducing judicial backlog and promoting efficient dispute settlement, its broader role in advancing sustainable governance and achieving Sustainable Development Goal 16 (SDG 16) remains insufficiently explored. While ADR is often praised for accessibility, flexibility, and efficiency, concerns persist regarding power imbalances, lack of transparency, enforceability challenges, and the potential privatisation of justice.

This creates an important question regarding whether ADR merely functions as an alternative procedural mechanism or whether it can serve as a structurally embedded institution capable of strengthening access to justice, accountability, and sustainable peace under the 2030 Agenda.

B. Research Objective

1. To examine the role of ADR as a mechanism for promoting peace, access to justice, institutional trust, and participatory governance within the framework of SDG 16.
2. To critically assess the effectiveness of ADR in promoting sustainable development, considering its inherent challenges like power imbalances, lack of accountability, enforceability issues, and the danger of justice privatisation.
3. To consider legal, institutional and technological options for the integration of ADR in national and international governance frameworks to enhance implementation of the 2030 Agenda for Sustainable Development.

³ N.V. Ramana, “Address at the India-Singapore Mediation Summit: Mediating for a Better Future” (July 17, 2021).

C. Research Questions

1. How can ADR be reconceptualised as a peace-building and justice-enhancing institution within the framework of SDG 16?
2. To what extent do ADR mechanisms contribute to sustainable governance, and what limitations arise from concerns relating to accountability, power imbalances, enforceability, and the privatisation of justice?
3. What legal, institutional, and technological reforms are necessary to embed ADR within national and international governance frameworks for achieving the objectives of the 2030 Agenda?

D. Research Hypothesis

This study proposes that ADR, when institutionalised through appropriate legal, technological, and governance frameworks, can be an effective mechanism for advancing SDG 16 by increasing access to justice, strengthening institutional trust, and fostering peaceful and inclusive societies. However, realising this potential requires addressing concerns about accountability, power imbalances, transparency, and enforceability, which could undermine the legitimacy and effectiveness of ADR processes.

E. Research Methodology

This study adopts a doctrinal, qualitative, and analytical research methodology to examine the role of ADR in advancing sustainable development and strengthening access to justice under SDG 16. The research relies primarily on secondary sources, including statutes, judicial decisions, international instruments, books, journal articles, policy reports, and publications of international organisations such as the United Nations and the World Bank.

An analytical and comparative approach is employed to evaluate ADR's contribution to sustainable governance, peace-building, and institutional effectiveness. The study critically examines both the advantages and limitations of ADR, including concerns relating to power imbalances, transparency, accountability, and enforceability. It further analyses international frameworks such as the Sustainable Development Goals and the Singapore Convention on Mediation to assess the evolving role of ADR in

global governance. The research is thematically organised around peace-building, institutional trust, social cohesion, and technological innovations such as Online Dispute Resolution (ODR). No empirical research has been undertaken, and the study is based entirely on secondary sources.

F. Literature Review

The academic debate on ADR has moved from a view of it as a mere alternative to litigation to a view of it as a more general means for governance, social cohesion and access to justice. One of the most influential contributions in this regard is Frank Sander's concept of the "Multi-Door Courthouse," which advocates sending disputes to the most appropriate resolution mechanism rather than relying exclusively on traditional court adjudication. Sander's framework provided the foundation for the ongoing debates around the integration of ADR into institutional justice systems.

At the same time, critical scholars have cautioned against unqualified support for ADR. Owen Fiss contends that settlement-oriented processes may prioritise efficiency and compromise over substantive justice, especially when disputes involve significant public interests. Similarly, Trina Grillo warns about the dangers of power imbalances in informal dispute resolution processes, arguing that mediation may unintentionally reproduce existing social and economic inequalities, particularly where vulnerable parties lack bargaining power.

The governance dimension of ADR is supported by the work of Elinor Ostrom whose theory of collective action demonstrates how well community participation and decentralised institutional arrangements work in managing common resources. Her insights provide a theoretical foundation for understanding community-based dispute resolution as a tool for sustainable governance. Similarly, John Braithwaite's theory of restorative justice prioritises reconciliation, relationship repair, and community reintegration over punitive responses, further enhancing the potential of ADR to contribute to long-term social peace and institutional trust.

At the international level, policy frameworks such as the United Nations Sustainable Development Goals, in particular SDG 16, the Paris Agreement and the Singapore Convention on Mediation increasingly recognise the importance of peaceful dispute

resolution, effective institutions and cooperative governance. These tools together show an increasing awareness of ADR as part of global peace infrastructure.

Existing literature has extensively explored ADR from the perspective of procedures, economics and access to justice, but less emphasis has been paid to its role as an institutional tool for the achievement of sustainable development under the 2030 Agenda. This study attempts to fill that gap by drawing on theoretical scholarship, international policy frameworks and practical governance issues to re-envision ADR as an anchor of sustainable justice, peace-building and institutional resilience.

IV. THEORETICAL RECONCEPTUALIZATION OF ADR AS “PEACE INFRASTRUCTURE”

Historically, legal scholarship surrounding ADR was dominated by an efficiency narrative. Under this view, mechanisms such as arbitration and mediation were justified primarily as procedural conveniences-relief valves for a docket explosion that threatened to paralyse formal judiciaries.⁴

However, the advent of the 2030 Agenda for Sustainable Development has catalysed a theoretical shift. ADR is now being reconceptualised as a normative instrument-a system valuable not just for its velocity, but for its capacity to deliver substantive, restorative justice⁵. This transition from proceduralism to purposivism stems from a fundamental dissatisfaction with traditional systems, moving toward a conflict process strategy that seeks improved access to justice. In this new paradigm, ADR is no longer merely alternative but is embedded within legal institutions and communities.⁶

A. The Social Contract and Participatory Justice: A Theoretical Alignment

Integrating ADR into the framework of SDG 16 is fundamentally an exercise in modernising the social contract. Traditional adjudication relies on delegated model of justice, where citizens surrender disputes to the state for binary, top-down

⁴ Upendra Baxi, *The Crisis of the Indian Legal System* 58-62 (Vikas Publishing House, New Delhi, 1982).

⁵ Deborah Thompson Eisenberg, “Beyond Settlement: Reconceptualising ADR as Conflict Process Strategy” 35 *Ohio State Journal on Dispute Resolution* 705, 706-708 (2020).

⁶ Janet K. Alexander, “Adjudication: Alternative or Informal?” 38 *Stanford Law Review* 823 (1986).

resolutions. In contrast, ADR is rooted in participatory justice, where legitimacy is derived from the active consent of disputants.⁷ By prioritising direct communication, these mechanisms transform individuals from passive subjects into active architects of their own resolution.⁸ This alignment is critical for achieving sustainable peace; by returning party autonomy to the centre of the legal process, ADR fosters social cohesion and creates durable settlements based on mutual understanding rather than state-imposed coercion.⁹ Ultimately, this “process pluralism” empowers parties to seek restorative outcomes—such as apologies or procedural reforms—that remain structurally unavailable within the limited remedial power of civil courts.¹⁰

B. Mapping ADR Mechanisms to SDG 16 Targets (16.3, 16.6, 16.7)

The re-conceptualisation of ADR as peace infrastructure requires a granular mapping of its mechanisms against the normative indicators of the 2030 Agenda. Rather than serving as a mere “court-clogger” solution, distinct processes function as vehicles for fulfilling the mandates of SDG 16.¹¹

Target 16.3: Equal Access to Justice for All. Mediation and Online Dispute Resolution (ODR) act as structural correctives to the justice gap, democratising the legal process for those historically marginalised by the prohibitive costs and length of formal litigation.¹² This mainstreaming of ADR enables a conflict process strategy that promotes social justice and vindicates rights beyond simple settlement.¹³

Target 16.6: Effective, Accountable, and Transparent Institutions. Specialised frameworks like arbitration alleviate institutional fatigue, providing a rule-based relief valve that allows overextended judiciaries to refocus resources on core

⁷ Lon L. Fuller, “The Forms and Limits of Adjudication” 92 *Harvard Law Review* 353, 363–365 (1978).

⁸ Deborah Thompson Eisenberg, “Beyond Settlement: Reconceptualising ADR as Conflict Process Strategy” 35 *Ohio State Journal on Dispute Resolution* 705, 715 (2020).

⁹ Monyei, *Essential Features of Contemporary ADR* (University of Nigeria Press, Enugu, 2018, 2018).

¹⁰ Law Reform Commission, “Alternative Dispute Resolution: Mediation and Conciliation” LRC 98-2010 (2010).

¹¹ *Supra* note 7 at 6.

¹² World Justice Project, *Justice for All: Final Report* (2019); European Commission, *Green Paper on Alternative Dispute Resolution in Civil and Commercial Matters*, COM (2002) 196 Final, para. 1.2(5) (April 19, 2002).

¹³ *Supra* note 7 at 6.

constitutional and criminal matters. This creates a symbiotic, more effective institutional ecosystem.¹⁴

Target 16.7: Responsive, Inclusive, and Participatory Decision-Making. Conciliation and negotiation restore party autonomy, transforming disputants from passive objects into active architects of their own resolution.¹⁵

C. The Rule of Law vs. The Rule of Justice: Reconciling Formal and Informal Systems

The perceived friction between the Rule of Law and the Rule of Justice represents one of the most significant theoretical debates in contemporary legal scholarship, particularly as it pertains to the realisation of SDG 16. Historically, the Rule of Law required a state-sanctioned adjudication process to ensure consistency, transparency, and the uniform application of legal standards.¹⁶

This lineage traces back to the Magna Carta and the Enlightenment philosophies of Locke and Montesquieu, which prioritised independent judiciaries as safeguard against arbitrary power.¹⁷ In contrast, the “Rule of Justice” shifts the focus from procedural rigidity to substantive reality accountable outcomes. This conceptual pillar prioritises the application of equity, allowing disputes to be settled based on principles that seem equitable in specific case rather than through rigid, uniformly applied legal mandates.¹⁸

Critics, most notably Owen Fiss, have argued that ADR creates “atheoretical enterprises” that prioritise efficiency over the rigorous standards of justice applied by

¹⁴ Gary B. Born, *International Commercial Arbitration* 73 (Kluwer Law International, Alphen aan den Rijn, 3rd edn., 2021).

¹⁵ Carrie Menkel-Meadow, “The Architecture of Justice: Justice as Problem Solving” 34 *Rutgers Law Journal* 1169 (2003); UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, UN GAOR, UN Doc. A/RES/70/1 (September 25, 2015), para. 16.7.

¹⁶ J. Alkhayer et al., “Role of ADR Methods in Environmental Conflicts in the Light of Sustainable Development” 1084 *IOP Conference Series: Earth and Environmental Science* 012057, 5-8 (2022).

¹⁷ Mareike Fröhlich, “The Nexus of the Rule of Law and Alternative Dispute Resolution: Who Boosts or Sets Back Whom?”, in M. Bungenberg et al. (eds.), *Alternative Dispute Resolution in the Western Balkans* 21, 23-35 (Springer, Cham, 2025).

¹⁸ Aakriti Gupta, “Alternative Dispute Resolution and International Military Conflicts: Crafting a Sustainable Peace” 9 *JSS Journal of Legal Studies and Research* 37, 39-40 (2023).

courts.¹⁹ However, modern reconciliation views the Rule of Law not as mandate for constant litigation, but as requirement for accountable outcomes. This ensures the “spirit of the law”-fairness and dignity preserved even when the formal “letter” is adapted to meet the needs of sustainable society.²⁰

Contemporary examples highlight this balance: the India-China border skirmishes of 2020 demonstrated how high-level military negotiations may prevent full-scale escalation between nuclear-armed States even where formal adjudication is absent. Similarly, the Indus Waters Treaty between India and Pakistan historically illustrated how negotiation could create a durable framework for the allocation and management of shared river waters. However, its present status also reveals the limits of negotiated frameworks when institutional enforcement becomes contested.

Following the Pahalgam terrorist attack, India announced in April 2025 that the Treaty would be held in abeyance, while the Court of Arbitration subsequently asserted its competence to continue proceedings notwithstanding India’s position, a view India rejected as illegal and void. The Treaty should therefore be understood not merely as a success story of negotiated transboundary governance, but also as a cautionary example of why negotiated regimes require credible, mutually accepted, and enforceable dispute-resolution safeguards.

V. FUNCTIONAL ANATOMY OF ADR IN THE 2030 AGENDA

As international legal frameworks have evolved, ADR has emerged as a ‘cornucopia of processes’-a diverse toolkit of procedures designed to supplement traditional litigation. This chapter analyses the functional anatomy of these distinct mechanisms.²¹

¹⁹ Brunda Konakondla, “Redrawing Justice: The Role of ADR in Delivering Justice” 7 *Indian Journal of Law and Legal Research* 1, 10 (2025).

²⁰ *Ibid.*

²¹ American Bar Association General Practice Section, *Dispute Resolution First Aid Kit for Attorneys* (American Bar Association, Chicago, 1988); Jacqueline Nolan-Haley, *Alternative Dispute Resolution in a Nutshell* (West Academic Publishing, St. Paul, 6th edn., 2017).

A. Mediation and Conciliation: Catalysts for Social Cohesion and Restorative Dialogue

In the context of environmental and climate disputes, mediation emerged as an effective tool for resolving conflicts involving land use, resource allocation, and environmental degradation. Such disputes often involve diverse set of stakeholders including governments, corporations, indigenous communities, and environmental organisations. Judicial processes struggle to accommodate these complex, multi-party interests, whereas mediation allows stakeholders to engage in structured dialogue that promotes mutual understanding and negotiated compromise.¹⁹

Mediation aligns with restorative principles underlying sustainable development emphasising reconciliation rather than punishment. In international environmental disputes, conciliators may assist parties in identifying technical or scientific compromises that balance economic development with ecological protection.²² They also contribute to Target 16.1 by preventing the escalation of social conflicts arising from environmental grievances and resource disputes.²³

B. Arbitration: Ensuring Predictability and Accountability in Transnational Governance

Arbitration neutrality, enforceability of awards, and flexibility make arbitration suited for resolving conflicts that transcend national jurisdictions. Arbitration tribunals operating under international conventions provide a neutral forum in which such disputes can be adjudicated.²⁴ Institutions have developed procedural rules specifically designed for environmental disputes, allowing tribunals to consider technical evidence and expert testimony related to ecological harm.²⁵

²² Michael L. Moffitt and Robert C. Bordone (eds.), *The Handbook of Dispute Resolution* (Jossey-Bass, San Francisco, 2005).

²³ Frank E.A. Sander and Lukasz Rozdeiczner, "Matching Cases and Dispute Resolution Procedures: Detailed Analysis Leading to a Mediation-Centered Approach" 11 *Harvard Negotiation Law Review* 1 (2006).

²⁴ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, GA Res. 70/1, UN GAOR, UN Doc. A/RES/70/1 (September 25, 2015).

²⁵ Jacqueline Nolan-Haley, *Alternative Dispute Resolution in a Nutshell* (West Academic Publishing, St. Paul, 6th edn., 2017).

The enforceability of arbitral awards under the New York Convention strengthens institutional trust and encourages compliance with international environmental obligations.²⁶ However, raises important normative concerns, particularly regarding transparency, public participation in disputes involving environmental regulation and human rights impacts. Critics argue that private proceedings may limit democratic oversight when public policies are challenged by private actors. Addressing these concerns requires procedural innovations that incorporate transparency standards and stakeholder participation within arbitration frameworks.²⁷

C. Negotiation: The Preventive Frontline against Conflict Escalation

Unlike formal adjudication or arbitration, negotiation does not require third-party intervention; rather, enables parties to directly engage in dialogue to resolve disagreements and develop mutually acceptable solutions. In the context of global environmental governance, negotiation plays crucial preventive role by addressing conflicts before they escalate into formal disputes. Many international environmental agreements including climate change treaties and biodiversity conventions are themselves the product of complex multilateral negotiations among states with divergent economic and political interests.²⁸

Infrastructure initiatives such as mining operations, hydropower dams and urban development projects often generate disputes concerning environmental impact and community displacement. Early-stage negotiations between project developers, governments, and affected communities can help identify shared interests and prevent. Moreover, negotiation contributes to the broader objectives of sustainable development by fostering cooperative relationships among stakeholders. By encouraging dialogue and compromise, negotiation aligns with the preventive dimension of SDG 16, which seeks to reduce violence and strengthen inclusive

²⁶ *Supra* note 23 at 9.

²⁷ *Supra* note 22 at 8.

²⁸ Roger Fisher, William Ury and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, New York, 3rd edn., 2011).

decision-making processes.²⁹ In climate governance, negotiation mechanisms have facilitated development of international consensus on emission reduction targets, adaptation funding, and technological cooperation.³⁰

D. Community-Based Models: Indigenous Wisdom and Modern Sustainable Justice

Community-based dispute resolution mechanisms represent one of the oldest forms of conflict management, deeply rooted in customary traditions and indigenous governance systems. These models emphasise restorative justice, communal participation, and culturally grounded norms rather than formal legal adjudication. In many indigenous societies, environmental stewardship and conflict resolution are closely intertwined. Traditional dispute resolution practices prioritise harmony within the community and respect for ecological resources, reflecting a holistic understanding of the relationship between humans and the natural environment.³¹

Contemporary ADR increasingly recognises the value of integrating indigenous dispute resolution practices into modern governance systems. Such models are particularly relevant in disputes involving indigenous land rights and natural resource management.

By incorporating local knowledge and participatory decision-making processes, community-based ADR mechanisms can produce solutions that are both legally effective and socially sustainable.³² However, the integration of community-based ADR systems into formal legal frameworks requires careful balancing. Safeguards must be established to ensure customary practices respect fundamental human rights and do not perpetuate discrimination or power imbalances within communities.³³

²⁹ The Paris Agreement, 2015.

³⁰ The United Nations Framework Convention on Climate Change, 1992.

³¹ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, Cambridge, 1st edn., 1990).

³² John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press, Oxford, 2002).

³³ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (September 13, 2007).

VI. ADR AS AN ACCOUNTABLE INSTITUTION

The realisation of inclusive and accountable institutions requires more than procedural reforms within formal judicial systems. It demands structural transformation in how justice is accessed, delivered, and experienced by individuals and communities. Traditional adjudicatory systems while essential, often remain inaccessible due to financial costs, procedural complexity, and systemic delays.

ADR mechanisms, by contrast, offer flexible and cost-effective pathways to justice. Their emphasis on dialogue, consent, and accessibility enables them to function as instruments of institutional democratisation. ADR strengthens institutional accountability by encouraging transparent processes and fostering trust between stakeholders. The legislative intent behind Section 89 of the Code of Civil Procedure, 1908, reflects the modern consensus that ADR is not a separate entity from court-based arrangements, but rather an integral component of the civil justice ecosystem in India.

A. Democratising Justice: Breaking Barriers for Vulnerable and Marginalised Populations

Marginalised communities often face significant obstacles in accessing formal legal remedies. These barriers include high litigation costs, lack of legal awareness, geographic inaccessibility, and procedural delays.³⁴ Mediation and community-based dispute resolution processes are often more accessible, and culturally adaptable, enabling participation from individuals who might otherwise be excluded from formal legal systems.³⁵

For instance, community mediation frameworks have been employed in disputes involving land acquisition, allowing indigenous and local communities to assert their interests in a participatory setting. These processes not only provide a platform for

³⁴ Mauro Cappelletti and Bryant Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective* (Sijthoff and Noordhoff, Alphen aan den Rijn, 1978).

³⁵ United Nations Development Programme, "Access to Justice Practice Note" (2004).

voicing grievances but also empower communities to actively shape the outcomes of disputes affecting their livelihoods and environment.³⁶

B. Building Institutional Trust through Transparent and Consensual Outcomes

Institutional trust is a cornerstone of effective governance and sustainable development. However, adversarial litigation often produces outcomes that, while legally binding, may fail to satisfy all parties, thereby eroding confidence in legal institutions. In contrast more likely to be perceived as fair and legitimate by the parties involved. Participatory approach fosters a sense of ownership over the outcome, increasing the likelihood of voluntary compliance and reducing need for enforcement mechanisms.

In environmental disputes, where public interest considerations are significant, trust-building becomes even more critical. For example, disputes involving pollution, resource allocation, or climate adaptation policies often generate public skepticism towards both governmental and corporate actors. At the same time, concerns regarding confidentiality in ADR, especially arbitration, must be balanced against the need for public accountability in disputes affecting environmental and human rights issues. Emerging trends such as transparency rules in investment arbitration and public participation mechanisms represent important steps toward reconciling these competing interests.

The economic costs of conflict-often described as the “conflict tax”-extend beyond financial losses to include violations of socio-economic rights.³⁷ In India, the right to livelihood and socio-economic security is read into Article 21 through judicial interpretation. Environmental degradation caused by industrial activities, mining, often disrupts livelihoods, disproportionately affecting marginalised communities. Failure to provide timely remedies in such cases constitutes a violation of both human rights and constitutional. Mediation and negotiation enable early intervention, preventing disputes from escalating into prolonged litigation that drains resources

³⁶ United Nations Environment Programme, “Environmental Rule of Law: First Global Report” (2019).

³⁷ World Bank, “World Development Report 2011: Conflict, Security and Development” (2011).

and delays relief. Therefore, a rights-based approach to ADR requires balancing efficiency with fairness and ensuring that outcomes are consistent with constitutional and human rights standards.³⁸

C. Case Studies: Successes in Integrating ADR within National Judicial Frameworks

Countries have institutionalised ADR mechanisms as part of their legal systems to enhance access to justice and reduce judicial backlog. In India, the incorporation of mediation and conciliation under statutory frameworks significantly expanded access to ADR. The establishment of Lok Adalats and court-annexed mediation centers has provided accessible platforms for resolving disputes.

Jurisdictions those of United States and the United Kingdom have developed robust ADR frameworks integrated within their civil justice systems. At the international level, such as those developed by the Permanent Court of Arbitration demonstrate the growing recognition of ADR as a tool for addressing complex global challenges. These frameworks enable states, corporations, and civil society actors to resolve disputes in a neutral and structured environment.

VII. ADR IN GLOBAL PEACEBUILDING AND POST-CONFLICT RECONCILIATION

ADR enhances the achievement of SDG 16 by integrating its methods into existing judicial, humanitarian, and development frameworks, thereby stimulating a global ‘culture of peace’.

A. Transitioning from Violence to Dialogue: ADR in Fragile States

In fragile states, transitioning from violence to sustained dialogue requires reconceptualising justice beyond binary “winner-loser” models toward a system of “peace infrastructure mechanism” to manage resource and territorial claims without resorting to total war.³⁸ For instance, the Stockholm Agreement (2018) in Yemen demonstrated how UN-led mediation could prevent urban warfare by establishing a

³⁸ *Supra* note 7 at 6.

strategic pause in hostilities to facilitate humanitarian aid.³⁹ This shift requires moving “beyond settlement” to reconceptualise the field under the unifying theme of “conflict process strategy,” where the process serves as the human bridge between justice and peace.⁴⁰ Historical precedents, such as the high-level military dialogues demonstrate that even in nuclear-armed tensions, mediation remains a vital diplomatic means to prevent escalation.⁴¹

B. Restorative Justice vs. Retributive Justice: The Path to Sustainable Peace

Sustainable peace relies on shift from retributive justice which is often top-down and binary to restorative justice, which focuses on “participatory justice” and social cohesion. ADR transforms individuals from passive subjects into active architects of their own resolution.⁴² Restorative justice aims to repair harm and reintegrate those involved back into the community, making it critical for post-conflict reconciliation.⁴³ Truth and Reconciliation Commissions (TRCs), represent a specialised form of ADR that prioritises relationship-building and national norm-creation over mere punishment.⁴⁴ This “process pluralism” empowers parties to seek restorative outcomes that are structurally unavailable within the limited remedial power of traditional civil courts.⁴⁵

C. ADR’s Role in Humanitarian and Developmental Interventions

Humanitarian practice is increasingly advanced through a “triple nexus approach”, harmonising aid, development, and peacebuilding. The integration of Contemporary ADR and International Diplomacy (CADR-ID) is essential for this nexus, providing framework to resolve disputes among conflicting actors.⁴⁶ Furthermore, the evolution

³⁹ United Nations Security Council, *Resolution 2451*, U.N. Doc. S/RES/2451 (December 21, 2018).

⁴⁰ *Supra* note 7 at 6.

⁴¹ Aakriti Gupta, “Alternative Dispute Resolution and International Military Conflicts: Crafting a Sustainable Peace” 9 *JSS Journal of Legal Studies and Research* 37 (2023).

⁴² Lon L. Fuller, “The Forms and Limits of Adjudication” 92 *Harvard Law Review* 353 (1978).

⁴³ J. Alkhayer, et.al., “Role of ADR Methods in Environmental Conflicts in the Light of Sustainable Development” 1084 *IOP Conference Series: Earth and Environmental Science* 012057 (2022).

⁴⁴ *Supra* note 10 at 6.

⁴⁵ *Supra* note 7 at 6.

⁴⁶ Tajudeen Ademola Akanji and Nkiruka Stella Okonkwo, “Contemporary Alternative Dispute Resolution (ADR) and International Diplomacy: A Nexus Approach to Sustainable Peace, Humanitarian and Development Practice” 12 *Journal of International Relations and Foreign Policy* (2024).

of ODR serves as disruptive intervention that bridges the global justice gap in areas where physical access to legal institutions is restricted.

Real-world evidence of this digital bridge is seen in Syria, where professionals were trained on housing and property rights, legal services were provided to thousands displaced by conflict and by 2023 earthquake, an Online Legal Aid Platform served over 12,000 individuals, while Collaborative Dispute Resolution (CDR) committees addressed disputes including property-ownership claims.⁴⁷ In Estonia, negotiation was successfully used to resolve disputes over IPPC permits for the Kunda Pulp Plant.⁴⁸ These examples demonstrate that ODR is not merely a procedural convenience but a critical “Conflict Process Strategy” for maintaining the Rule of Law during active hostilities and subsequent reconstruction.

D. The “Singapore Convention” and the Global Enforcement of Peace

The Singapore Convention on Mediation serves final structural pillar in the re-conceptualisation of ADR as global peace infrastructure. Historically, international mediation suffered from an “enforcement gap”; unlike the New York Convention for arbitration, mediated settlement agreements (MSAs) were treated merely as contracts, requiring a separate, costly lawsuit for breach to ensure compliance.⁴⁹

This uncertainty often deterred parties in fragile states or high-stakes commercial sectors from choosing dialogue over litigation. The Singapore Convention resolves this by providing a uniform framework for the direct recognition and enforcement of international MSAs by a “competent authority,” moving compliance beyond mere “goodwill” to a predictable legal mandate.⁵⁰

By standardising the enforcement of these agreements, the international community provides a “rule-based relief valve” that strengthens the credibility of non-violent

⁴⁷ United Nations Development Programme, “Standing Up for Refugee Rights: Justice as a Lifeline,” *Crisis Hotspots: From Bangladesh to Syria* (18 Dec. 2025), available at [UNDP](#)

⁴⁸ *Supra* note 15 at 7.

⁴⁹ *United Nations Convention on International Settlement Agreements Resulting from Mediation* (Singapore Convention on Mediation), December 20, 2018, 2307 U.N.T.S.

⁵⁰ *Supra* note 7 at 6.

dispute resolution.⁵¹ This global legal weight ensures that the “Rule of Justice” is maintained through functional, accountable outcomes that satisfy all parties.⁵²

VIII. CRITICAL ANALYSIS: NAVIGATING THE RISKS OF “SHADOW JUSTICE”

While ADR often heralded as an essential “peace infrastructure,” Critics warn movement’s success may lead to “genericide,” where the term ADR becomes so widely and incorrectly applied that it loses its distinct quality as a source of justice.⁵³ Scholars like Deborah Thompson Eisenberg and Nancy Welsh argue that judicial and institutional enthusiasm has frequently outpaced the development of a body of theoretical literature, resulting in “atheoretical enterprises” that prioritise procedural efficiency over substantive normative values.

A. The Power Imbalance Paradox: Protecting the Weak in Private Fora

A foundational critique of ADR, articulated by Trina Grillo, focuses on the risk that informal processes may replicate and reinforce existing societal power distributions. Without the rigid procedural safeguards of a formal courtroom, “outsiders”- including racial minorities, women, and the poor- may find themselves pressured into unfavourable settlements suggesting that ADR becomes a “poor man’s justice” lacking the rigorous protections necessary to ensure fairness between unequal parties.⁵⁹ In international military contexts, a significantly stronger state or military faction may have no incentive to engage in good faith, as seen in the challenges surrounding the Philippines’ arbitration case against China.

The critique that ADR creates “second-class justice” by reinforcing power imbalances is rebutted by the theory of democratising justice. Advocates argue that while traditional courts often treat parties as passive “objects,” ADR restores party

⁵¹ Gary B. Born, *International Commercial Arbitration* 73 (Kluwer Law International, Alphen aan den Rijn, 3rd edn., 2021).

⁵² United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, U.N. Doc. A/RES/70/1 (September 25, 2015).

⁵³ Whitson Gordon, “How a Brand Name Becomes Generic” *The New York Times*, June 24, 2019, available at: <https://www.nytimes.com/2019/06/24/smarter-living/how-a-brand-name-becomes-generic.html> (last visited on July 22, 2026).

autonomy, transforming them into “active architects” of their own resolution. Modern institutionalisation, through court appointed neutrals and frameworks like Section 89 of the CPC (India) ensures accountability and reduces the risk of coercion. In India, a settlement reached in mediation is often recorded as a court decree.

B. Privatisation, Jurisdictional Hurdles, and the Challenge of Enforceability

The privatisation of justice, famously critiqued by Owen Fiss⁵⁴, risks suppressing public values and hiding systemic human rights violations from public scrutiny.⁵⁵ Mareike Fröhlich notes that ADR’s inherent lack of precedential value hinders the organic development of the law and diminishes legal certainty. This “shadow justice” is exacerbated by the rise of Private-ODR systems replacing the substantive Rule of Law with proprietary algorithmic efficiency.⁵⁶

These risks are compounded by cross-border “legal fragmentation” and the absence of global standards for verifying digital identities. The New York Convention is commonly associated with an enforcement rate of almost 90%, based on court decisions reported in the *Yearbook: Commercial Arbitration*, although subsequent empirical studies have questioned the generalisability of this estimate.⁵⁷

This enforceability crisis was starkly illustrated in the Philippines’ arbitration case against China, where the award was ignored because a lack of global enforcement mechanisms. Similarly, in environmental disputes like Hungary’s Route 10 case, the involvement of numerous stakeholders without a unified legal anchor led to a total breakdown of the resolution process. However, the Singapore Convention on Mediation (2019) is specifically designed to solve this ‘teeth’ problem. effectively

⁵⁴ Owen M. Fiss, “Against Settlement” 93 *Yale Law Journal* 1073 (1984).

⁵⁵ Eisenberg, *supra* note 7 at 6.

⁵⁶ Mareike Fröhlich, “The Nexus of the Rule of Law and Alternative Dispute Resolution: Who Boosts or Sets Back Whom?”, in M. Bungenberg et.al. (eds.), *Alternative Dispute Resolution in the Western Balkans* 21 (Springer, Cham, 2025).

⁵⁷ Albert Jan van den Berg, “Convention on the Recognition and Enforcement of Foreign Arbitral Awards,” United Nations Audiovisual Library of International Law (2008), 1, available at [United Nations Audiovisual Library of International Law](#); Christopher R. Drahozal, “Challenging and Enforcing International Arbitral Awards in U.S. Federal Courts,” 51 *Virginia Journal of International Law* 1 (2024).

curing the privatisation risk by bringing the state's enforcement power into the private room.⁵⁸

C. The Semantic Misnomer: Re-evaluating the "Alternative" Justice Argument

The very term "Alternative" Dispute Resolution has drawn significant criticism for suggesting a firm distinction or even a competition between ADR and traditional litigation. Critics argue that this terminology cloaks a "looseness of meaning," prompting the question: alternative to what? Sir Laurence Street, former Chief Justice of New South Wales, famously asserted that ADR is not in truth 'Alternative' because nothing can be alternative to the sovereign authority of the court system."⁵⁹

Consequently, modern scholarship urges a shift from "Alternative" to "Additional" or "subsidiary" processes that assist the judiciary in discharging the sovereign's responsibility. By reconceptualising ADR as an integral component of the civil justice ecosystem-rather than a separate detour-the system can preserve the 'Rule of Law' while providing the flexible, participatory "Rule of Justice" envisioned by SDG 16.

IX. STRATEGIC ROADMAP: INSTITUTIONALISING ADR FOR 2030 AND BEYOND

The institutionalisation of ADR within the framework of the 2030 Agenda requires a shift from viewing ADR as a supplementary mechanism to recognising it as a core component of justice delivery systems. In the context of environmental conflicts, climate change litigation, and human rights violations, ADR must evolve into a structurally embedded, accessible, and accountable system that complements constitutional guarantees and international legal obligations.⁶⁰

⁵⁸ CMS, "The Singapore Mediation Convention: Plugging the Gap in Cross-Border Enforceability of Commercial Settlement Agreements", May 15, 2019, *available at*: <https://cms.law/en/per/legal-updates/The-Singapore-Mediation-Convention-Plugging-the-gap-in-cross-border-enforceability-of-commercial-settlement-agreements> (last visited on July 21, 2026).

⁵⁹ *Supra* note 9 at 6.

⁶⁰ United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, U.N. Doc. A/RES/70/1 (September 25, 2015).

A. Hybridity: Creating Seamless Multi-Door Courthouse Systems

The idea of the “multi-door courthouse,” introduced by Frank E. A. Sander, suggests that disputes should be directed to the most suitable method of resolution whether litigation, mediation, arbitration, or negotiation depending on their nature. This becomes especially important in environmental and human rights disputes, which often involve complex issues like community rights, displacement, and constitutional protections such as Article 21. A hybrid approach allows mediation for community participation, arbitration for technical matters, and courts for constitutional questions.⁶¹

B. Policy Imperatives: Legislative Reforms and Capacity Building

For ADR to truly function as a tool for sustainable development, it requires not only legal recognition but also effective institutional support. In India, the Arbitration and Conciliation Act, 1996⁶² and Section 89 of the Code of Civil Procedure, 1908⁶³ provide the foundational framework for arbitration and court-referred settlement mechanisms. This framework has been strengthened by the Mediation Act, 2023, India’s first comprehensive standalone legislation governing mediation.

The Act provides a statutory framework for pre-litigation mediation, establishes the Mediation Council of India, and accords mediated settlement agreements the same status and effect as judgments or decrees of a court.⁶⁴ These developments strengthen the institutional basis of ADR and seek to improve accessibility, efficiency and enforceability of mediated outcomes. Nevertheless, challenges relating to awareness, accessibility and implementation remain.

From a human rights perspective, these gaps are significant. Power imbalances between parties, particularly in disputes involving vulnerable communities, may lead to unfair or pressured settlements, undermining principles of fairness and dignity. Accordingly, mediators and arbitrators should receive appropriate training in human

⁶¹ Frank E.A. Sander and Lukasz Rozdeiczer, “Matching Cases and Dispute Resolution Procedures: Detailed Analysis Leading to a Mediation-Centered Approach” 11 *Harvard Negotiation Law Review* 1 (2006).

⁶² The Arbitration and Conciliation Act, 1996 (Act 26 of 1996).

⁶³ The Code of Civil Procedure, 1908 (Act 5 of 1908).

⁶⁴ The Mediation Act, 2023 (Act 32 of 2023).

rights, environmental concerns and power-sensitive dispute resolution, while legal-aid services should be integrated into ADR mechanisms so that access to consensual dispute resolution is not determined solely by a party's financial resources. These measures are necessary to align ADR with the constitutional commitment to equality and justice, particularly under Articles 14 and 21 of the Constitution of India.

A further issue arises from India's position on the Singapore Convention on Mediation. Although the Mediation Act, 2023 provides for the enforceability of mediated settlement agreements within India's domestic legal framework, India has not ratified the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention), 2018.

This distinction is relevant to the paper's discussion of the Convention's role in facilitating the cross-border enforcement of mediated settlements. Thus, while the Mediation Act represents a significant step towards strengthening domestic mediation in India, the absence of India's ratification of the Singapore Convention leaves a separate question concerning the international enforceability of settlement agreements arising from cross-border mediation.

C. Technological Evolution: ODR as a Scalable Tool for SDG 16

The growing use of digital technology has significantly changed the way disputes are resolved, giving rise to ODR. By moving processes online, ADR has become more accessible, cost-effective, and time-efficient, making it easier to handle disputes at a larger scale. ODR is particularly useful in cases that go beyond geographical boundaries, such as environmental disputes, climate-related conflicts with different stakeholders, and even human rights cases where individuals may not have the means or ability to approach courts physically.⁶⁵

At the same time, this shift to digital platforms brings its own challenges. Not everyone has equal access to technology, and the digital divide can end up excluding those who are already disadvantaged. There are also concerns around data privacy and security, because of this, while ODR has the potential to strengthen access to

⁶⁵ World Bank, "World Development Report 2011: Conflict, Security and Development" (2011).

justice and support the goals of SDG 16, it must be carefully regulated. Ensuring inclusivity, maintaining transparency, and protecting procedural fairness are essential if ODR is to function as a truly effective and equitable tool for dispute resolution.⁶⁶

D. The Role of International Law and Development Agencies in ADR Advocacy

International legal frameworks and institutions play a pivotal role in mainstreaming ADR as a tool for sustainable development. Instruments such as the Paris Agreement and frameworks under the United Nations Framework Convention on Climate Change indirectly promote negotiation and consensus-based dispute resolution in addressing global environmental challenges. Similarly, institutions like the World Bank and United Nations Development Programme actively promote ADR in governance and development projects, particularly in conflict-prone regions.⁶⁷

Beyond general policy promotion, international legal bodies and multilateral development banks actively embed ADR into global commercial and institutional frameworks. The United Nations Commission on International Trade Law (UNCITRAL) significantly elevated the global stature of mediation through the adoption of the Singapore Convention on Mediation (2019), establishing a standardized framework for the cross-border enforcement of mediated commercial settlements akin to the New York Convention for arbitration.⁶⁸ In parallel, development agencies implement target-driven ADR initiatives; for example, the International Finance Corporation (IFC), the private-sector arm of the World Bank Group, launched its *Commercial Mediation Program*, which helped establish institutional mediation centers and train court-annexed mediators across developing jurisdictions in Eastern Europe, Central Asia, and Sub-Saharan Africa.⁶⁹ Furthermore, regional development banks, including the Asian Development Bank (ADB) and the

⁶⁶ Bryant G. Garth and Mauro Cappelletti, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective" 27 *Buffalo Law Review* 181 (1978).

⁶⁷ Paris Agreement, December 12, 2015.

⁶⁸ United Nations Convention on International Settlement Agreements Resulting from Mediation, Dec. 20, 2018, U.N. Doc. A/RES/73/198.

⁶⁹ International Finance Corporation, *Alternative Dispute Resolution Guidelines* (World Bank Group, Washington, D.C., 2011).

African Development Bank (AfDB) routinely integrate mandatory grievance-redress mechanisms (GRMs) and Independent Recourse Mechanisms into their infrastructure project financing agreements. These mechanisms mandate problem-solving, conciliation, and community-level mediation to resolve environmental and social disputes between project sponsors and locally affected communities before escalations require formal litigation or suspend project funding.⁷⁰

X. RECOMMENDATIONS

For ADR to meaningfully contribute to sustainable governance, it must move beyond being seen as merely an alternative to courts and be integrated into the broader justice system. Strengthening the legal framework is a necessary first step to ensure that ADR processes remain not only efficient but also fair and accountable, particularly in disputes involving environmental harm and human rights.

ADR must be made more accessible to vulnerable and marginalised communities, who are often the most affected by environmental degradation yet the least equipped to approach formal legal systems. Simplifying procedures, reducing costs, and promoting localised dispute resolution can help bridge this gap and make justice more inclusive.

At the same time, safeguards are essential to address power imbalances and lack of transparency. In disputes involving corporations or state authorities, weaker parties may not be able to negotiate on equal terms. Clear guidelines are therefore needed to ensure that ADR processes do not compromise fundamental rights in the interest of quick settlements.

Capacity building is another key priority. Mediators, arbitrators, and other ADR professionals should be trained not only in dispute resolution techniques but also in environmental and human rights issues, enabling them to handle such disputes with greater sensitivity and understanding.

Technology, particularly ODR, can further strengthen ADR by making it faster and more accessible, especially in cross-border and climate-related disputes. However,

⁷⁰ Asian Development Bank, *Accountability Mechanism Policy 2012* (ADB, Manila, 2012).

care must be taken to ensure that digital solutions do not exclude those lacking access or digital literacy.

Finally, stronger coordination between national legal systems and international frameworks is essential. Given the transnational nature of many environmental disputes, aligning domestic ADR practices with global standards can promote consistency and more effective outcomes.

Overall, ADR has the potential to support a more responsive and inclusive system of governance, but its success will depend on maintaining a careful balance between efficiency, fairness, and accountability.

XI. CONCLUSION

To achieve sustainable development, institutions must be not just effective, but also inclusive, participative, and sensitive to the demands of diverse groups. This article has argued that Alternative Dispute Resolution (ADR) should be viewed as a fundamental element of the justice architecture envisioned under the 2030 Agenda, rather than solely as an alternative to formal adjudication. ADR greatly aids in achieving SDG 16 by encouraging communication, collaboration, and cooperative problem-solving, especially in advancing access to justice, bolstering institutions, and maintaining peaceful societies.

The analysis shows that community-based dispute resolution techniques, conciliation, arbitration, mediation, and negotiation can lessen conflict, improve social cohesiveness, and make it easier to resolve complicated environmental, business, and human rights problems. However, ADR has certain drawbacks. Strong institutional safeguards are necessary because of issues with power imbalances, a lack of transparency, the privatisation of justice, and difficulties with enforceability. ADR's efficacy depends on the presence of accountability, procedural justice, and significant oversight rather than only its informal nature.

Therefore, rather than being isolated from formal legal systems, ADR's future depends on its institutionalisation. ADR can become a scalable tool of sustainable governance through hybrid justice models, multi-door courthouse settings, technology advancements like Online Dispute Resolution, and increased participation

from international organisations. The Singapore Convention is another example of how consensual conflict resolution is becoming more widely accepted as a means of promoting international cooperation and legal certainty.

In the end, economic growth or regulatory action alone cannot achieve sustainable development. Accessible justice, social trust, and long-lasting peace are necessary. ADR provides a means of converting disagreements into chances for communication, peace-making, and long-term advancement provided it is appropriately planned and institutionally integrated.

XII. BIBLIOGRAPHY

A. Books

1. American Bar Association General Practice Section, *Dispute Resolution First Aid Kit for Attorneys* (American Bar Association, Chicago, 1988).
2. Baxi, Upendra, *The Crisis of the Indian Legal System* 58–62 (Vikas Publishing House, New Delhi, 1982).
3. Born, Gary B., *International Commercial Arbitration* 73 (Kluwer Law International, Alphen aan den Rijn, 3rd edn., 2021).
4. Braithwaite, John, *Restorative Justice and Responsive Regulation* (Oxford University Press, Oxford, 2002).
5. Cappelletti, Mauro and Bryant Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective* (Sijthoff and Noordhoff, Alphen aan den Rijn, 1978).
6. Fisher, Roger, William Ury and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, New York, 3rd edn., 2011).
7. Moffitt, Michael L. and Robert C. Bordone (eds.), *The Handbook of Dispute Resolution* (Jossey-Bass, San Francisco, 2005).
8. Monyei, *Essential Features of Contemporary ADR* (University of Nigeria Press, Enugu, 2018).
9. Nolan-Haley, Jacqueline, *Alternative Dispute Resolution in a Nutshell* (West Academic Publishing, St. Paul, 6th edn., 2017).
10. Ostrom, Elinor, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, Cambridge, 1st edn., 1990).

B. Journal Articles and Book Chapters

1. Akanji, Tajudeen Ademola and Nkiruka Stella Okonkwo, "Contemporary Alternative Dispute Resolution (ADR) and International Diplomacy: A Nexus Approach to Sustainable Peace, Humanitarian and Development Practice" 12 *Journal of International Relations and Foreign Policy* (2024).
2. Alexander, Janet K., "Adjudication: Alternative or Informal?" 38 *Stanford Law Review* 823 (1986).
3. Alkhayer, J. et al., "Role of ADR Methods in Environmental Conflicts in the Light of Sustainable Development" 1084 *IOP Conference Series: Earth and Environmental Science* 012057 (2022).
4. Drahozal, Christopher R., "Challenging and Enforcing International Arbitral Awards in U.S. Federal Courts" 51 *Virginia Journal of International Law* 1 (2024).
5. Eisenberg, Deborah Thompson, "Beyond Settlement: Reconceptualising ADR as Conflict Process Strategy" 35 *Ohio State Journal on Dispute Resolution* 705 (2020).
6. Fiss, Owen M., "Against Settlement" 93 *Yale Law Journal* 1073 (1984).
7. Fröhlich, Mareike, "The Nexus of the Rule of Law and Alternative Dispute Resolution: Who Boosts or Sets Back Whom?", in M. Bungenberg et al. (eds.), *Alternative Dispute Resolution in the Western Balkans* 21 (Springer, Cham, 2025).
8. Fuller, Lon L., "The Forms and Limits of Adjudication" 92 *Harvard Law Review* 353 (1978).
9. Garth, Bryant G. and Mauro Cappelletti, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective" 27 *Buffalo Law Review* 181 (1978).
10. Gupta, Aakriti, "Alternative Dispute Resolution and International Military Conflicts: Crafting a Sustainable Peace" 9 *JSS Journal of Legal Studies and Research* 37 (2023).
11. Konakondla, Brunda, "Redrawing Justice: The Role of ADR in Delivering Justice" 7 *Indian Journal of Law and Legal Research* 1 (2025).

12. Menkel-Meadow, Carrie, "The Architecture of Justice: Justice as Problem Solving" 34 *Rutgers Law Journal* 1169 (2003).
13. Sander, Frank E.A. and Lukasz Rozdeicz, "Matching Cases and Dispute Resolution Procedures: Detailed Analysis Leading to a Mediation-Centered Approach" 11 *Harvard Negotiation Law Review* 1 (2006).
14. Van den Berg, Albert Jan, "Convention on the Recognition and Enforcement of Foreign Arbitral Awards" *United Nations Audiovisual Library of International Law* 1 (2008).

C. Statutes and Domestic Legal Instruments

1. The Arbitration and Conciliation Act, 1996 (Act 26 of 1996).
2. The Code of Civil Procedure, 1908 (Act 5 of 1908).
3. The Mediation Act, 2023 (Act 32 of 2023).

D. International Instruments, Resolutions and Treaties

1. Paris Agreement, December 12, 2015.
2. United Nations Convention on International Settlement Agreements Resulting from Mediation, December 20, 2018, U.N. Doc. A/RES/73/198.
3. United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation), December 20, 2018, 2307 U.N.T.S.
4. United Nations Framework Convention on Climate Change, 1992.
5. United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, U.N. Doc. A/RES/70/1, September 25, 2015.
6. United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295, September 13, 2007.
7. United Nations Security Council, Resolution 2451, U.N. Doc. S/RES/2451, December 21, 2018.

E. Reports, Policy Documents and Institutional Publications

1. Asian Development Bank, *Accountability Mechanism Policy 2012* (ADB, Manila, 2012).
2. European Commission, *Green Paper on Alternative Dispute Resolution in Civil and Commercial Matters*, COM (2002) 196 Final, April 19, 2002.
3. International Finance Corporation, *Alternative Dispute Resolution Guidelines* (World Bank Group, Washington, D.C., 2011).
4. Law Reform Commission, *Alternative Dispute Resolution: Mediation and Conciliation*, LRC 98-2010 (2010).
5. Ramana, N.V., "Address at the India-Singapore Mediation Summit: Mediating for a Better Future", July 17, 2021.
6. United Nations Development Programme, *Access to Justice Practice Note* (2004).
7. United Nations Development Programme, "Standing Up for Refugee Rights: Justice as a Lifeline," *Crisis Hotspots: From Bangladesh to Syria*, December 18, 2025.
8. United Nations Environment Programme, *Environmental Rule of Law: First Global Report* (2019).
9. World Bank, *World Development Report 2011: Conflict, Security and Development* (2011).
10. World Justice Project, *Justice for All: Final Report* (2019).

F. Online Sources

1. CMS, "The Singapore Mediation Convention: Plugging the Gap in Cross-Border Enforceability of Commercial Settlement Agreements", May 15, 2019, available at: <https://cms.law/en/per/legal-updates/The-Singapore-Mediation-Convention-Plugging-the-gap-in-cross-border-enforceability-of-commercial-settlement-agreements>.
2. Gordon, Whitson, "How a Brand Name Becomes Generic" *The New York Times*, June 24, 2019, available at: <https://www.nytimes.com/2019/06/24/smarter-living/how-a-brand-name-becomes-generic.html>