

**ASSESSING THE ROLE OF ALTERNATIVE DISPUTE RESOLUTION
MECHANISMS IN RESOLVING FAMILY DISPUTES: A CASE STUDY OF
UGANDA**

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DECLARATION

I, **NANKUNDA ANDREW**, declare that the information in this Dissertation is true to the best of my knowledge and has never been presented for any academic award in any institution or University. All sources used in this research study have been rightfully acknowledged.

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ABSTRACT

This study examines the role of Alternative Dispute Resolution Mechanisms in resolving family disputes in Uganda, emphasizing the effectiveness of Arbitration, Mediation, Conciliation and Negotiation in facilitating timely access to justice and alleviating case backlog. The research analyzes the legal and institutional framework governing ADR and family bond protection in Uganda, exploring the interplay of international conventions, regional instruments, and domestic legislation. The findings underscore the benefits of ADR in family disputes, including expedited resolution, reduced costs, and confidentiality, while also proposing practical approaches for dispute resolution through arbitration and other mechanisms. The study concludes that ADR serves as an effective means of resolving family disputes in Uganda, presenting a viable alternative to traditional litigation. It recommends increasing awareness and education about ADR, strengthening institutions, and training more people with expertise in family issues. By embracing ADR mechanisms, stakeholders can effectively navigate the complexities of family disputes, thereby fostering innovation, creativity, and collaboration within Uganda's family industry.

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CHAPTER ONE: INTRODUCTION TO THE STUDY

1.1. Introduction

This study focuses on the role of Alternative Dispute Resolution mechanisms in ensuring timely access to justice, reducing case backlog and quicker means of attaining relief as compared to the tedious litigation process. The research explores the effectiveness of Alternative Dispute Resolution in dispute resolution and how it can be incorporated into family disputes while examining how family disputes arise, the laws relating to family disputes, the remedies available to the parties, procedure through which such remedies are attained. The research extensively examines the efficacy, viability and effectiveness of Alternative Dispute Resolution especially through Arbitration and other mechanisms, how those mechanisms can be incorporated in resolving family disputes and any other general family misunderstandings to which other alternative dispute settlement modes such as mediation, reconciliation can be applied.

The study recognizes the importance of a family in a society and that while court litigation is one of the ways of resolving disputes arising from families, it has always ended in separation of the parties and yet at the center of these fights are innocent children who often suffer the consequences. Whereas it can be said that there are other family dispute resolution mechanisms aside from ADR, the traditional approach to dispute resolution in Uganda is the court adversarial system. Family disputes are complex and sensitive issues that often require a nuanced approach to resolution. Traditional litigation processes can exacerbate tensions and strain familial relationships, making it imperative to explore alternative avenues for conflict resolution. Alternative Dispute Resolution (ADR) methods have emerged as valuable mechanisms for addressing family conflicts efficiently and preserving familial bonds.¹

¹ <https://ijlmh.com/paper/role-of-alternate-dispute-resolution-adr-in-resolving-family-disputes/>

This is regardless of the objective of the dispute resolution as it may be sought. This is evidenced from what Justice Sandra O'Connor, said, "The courts of this country should not be the places where disputes begin. They should be the places, where business disputes end and after alternative methods of resolving conflicts have been considered."² By recognizing the role played by alternative dispute resolution, the study seeks to redirect the parties to utilize these mechanisms instead of always rushing to litigation which does not always yield harmonious results.

1.2. Statement of the Problem

In Uganda, family disputes predominantly rely on adversarial litigation, often resulting in protracted disputes, high financial costs, and adverse effects on post-litigation relationships, particularly concerning child custody and property division. Despite the introduction of mediation and other ADR mechanisms under frameworks such as the 1995 Constitution of the Republic of Uganda,³ and the Judicature Act Cap 16, their adoption in family cases remains limited due to insufficient awareness, inadequate training and cultural resistance to non-confrontational dispute resolution.⁴ Current legal literature and empirical studies inadequately address the efficacy of ADR in achieving equitable and efficient outcomes in family cases within the Ugandan context, as well as the systematic barriers hindering their integration into the judicial process.

Despite the growing awareness of ADR mechanisms, the formal court system continues to be the primary route for resolving divorce matters in Uganda. Many cases suffer delays and exacerbate conflicts rather than resolve them. There is limited empirical research examining the role ADR mechanisms play as regards enabling efficient, peaceful and mutually acceptable outcomes in resolving family disputes within

² Stephen Patrick Doyle, 'Without the punches Resolving disputes without litigation' Equi.law, Inc.1991 pg.15.

³ Article 126(2)(d).

⁴ Alternative Justice System (AJS) Strategy for The Judiciary of Uganda. 26th June 2023 by Alfonse Chigamony Owiny-Dollo.

Uganda.⁵ This research seeks to explore these gaps by examining the role played by ADR in family proceedings, with a view to proposing reforms that enhance their application and effectiveness in Uganda's legal system.

The findings of this study will be instrumental in informing policy and practice, guiding both national and international efforts to enhance effective and efficient role played by ADR mechanisms in resolving Divorce, custody, parentage and adoption disputes. By identifying the key roles, and assessing how effective they have been and proposing targeted interventions, this research seeks to contribute to the broader goal of ensuring that disputed parties to a family dispute can opt for ADR mechanisms instead of pursuing direct legal avenues in courts of law ultimately shaping the legal landscape around family law in Uganda.

This comprehensive analysis will also provide valuable approaches for other jurisdictions and regions facing similar questions and by doing so, it will be offering a model for addressing the rather long court process and enhancing the effectiveness of ADR in resolving divorce cases. We seek to highlight the role played by ADR in resolving divorce disputes so that parties can opt for this avenue instead of always matching to the courts of law which already have existing cases they are handling. Ever since the introduction of ADR in the justice system in Uganda, little or no assessment has been made about its role in resolving family disputes and yet this data is very essential not only to the judicial officers but also the parties to a family case who may seek to opt for ADR.

1.3. Aims and objectives of the study

1.3.1. General objective

The general objective of the study is to assess the role of Alternative Dispute Resolution Mechanisms in resolving family disputes, with a specific focus on divorce, custody, parentage and adoption disputes.

⁵ Daily Monitor Article "Roots of alternative dispute resolution in Uganda," as of Monday, January 14th, 2019 and updated on January 29th, 2021. Available at <https://www.monitor.co.ug>

1.3.2. Specific objectives

The specific objectives of this research however include the following:

- a) To assess the effectiveness of ADR in resolving family disputes in Uganda?
- b) To find out the level of awareness and acceptance of ADR among parties to family disputes in Uganda?
- c) To identify the key challenges that hinder the use of ADR in family disputes?
- d) To recommend strategies for enhancing the role of ADR in Uganda's family legal system.

1.4. Research questions

This study will be guided by the following research questions.

- a) What role does ADR play in resolving family disputes?
- b) How effective is ADR in resolving family disputes in Uganda?
- c) What is the level of awareness and acceptance of ADR among parties to family disputes in Uganda?
- d) What challenges hinder the use of ADR in family disputes?
- e) What can be done to improve the use of ADR in Uganda's family law system?

1.5. Significance of the study

This study focuses on family disputes in Uganda resolved through ADR mechanisms, including mediation, arbitration, conciliation, and negotiation. It contributes to academic scholarship, informs policy reform, and provides practical guidance for judicial officers, mediators and legal practitioners. The study will also provide critical insights into how ADR can contribute to reducing the burden on Uganda's judiciary and promote more amicable settlement of family disputes. It will also inform legal reforms, policy development, and capacity-building initiatives aimed at mainstreaming ADR in resolving family disputes. With this, the study shall provide useful insights on how the judiciary can restructure ADR and make it a viable option as compared to litigation.

1.6. Justification of the study

In recent years, there has been a steady growth in the levels of family disputes in Uganda motivated by disagreements between partners, arguments over custody,

paternity, divorce, matrimonial property among others. Such developments make the sector prone to disputes over the arrangements which families enter into. Litigating such disputes would seemingly not be the best mode of solving such disputes putting into consideration the need to promote and maintain family relations and not break them, such cannot be guaranteed by litigation but rather through Alternative Dispute Resolution.

1.7. Literature review

The integration of ADR mechanisms into Uganda's legal framework has been a significant development aimed at enhancing the efficiency and accessibility of justice.⁶ This literature review examines the evolution, effectiveness and challenges of ADR in Uganda, with a focus on its application in family disputes within Uganda.⁷ According to Mwenda,⁸ litigation was the conventional method of resolving disputes and was becoming expensive, time-consuming, and onerous. In contrast, Alternative Dispute Resolution was created as a substitute for litigation. The author equally noted that ADR has demonstrated that occasionally, litigation is an arduous and apparently never-ending process. The existing Literature does not respond to the Research questions in this study thus showing a gap and the need to address the same.

There have been numerous serious complaints raised about the escalating costs and fees associated with litigation, the delays in court proceedings, traffic jams, overly legalistic procedures and the intimidating environment in courtrooms. Furthermore, it has been determined that the adversarial style of litigation, characterized by its 'win all or lose all' approach, is not conducive to sustaining corporate or social relationships.⁹ All of these elements have, in part, led to plaintiffs' anxieties during litigation.

⁶ Musoke, G.: CASE BACKLOG IN UGANDA, IT'S IMPACT ON JUSTICE AND THE POSSIBLE SOLUTIONS THERETO. (2023)

⁷ How can I settle a dispute over a matter which has a monetary value below 10 million UGX? - Justice Centres Uganda. Available at <https://justicecentres.go.ug/how-can-i-settle-a-dispute-over-a-matter-which-has-a-monetary-value-below-10-million-ugx/>

⁸ Mwenda, W. (2006). Sithole Paradigms of ADR and Justice Delivery in Zambia. Available at <https://ir.kiu.ac.ug/bitstream/20.500.12306/13450/1/Tino%20Tracy%20Okiria.pdf>

⁹ Musumba, C. (2014). Alternative Dispute Resolution. *Journal of Tanzania Law and Practice*, 8(4), 15-27.

Due to this situation, disputants and other stakeholders are becoming less satisfied with the legal system, which has prompted the creation of more adoptable dispute resolution procedures. Existing Literature also reveals that due to this anxiety, ADR has been largely extended to the Commercial Division and no study has been conducted to find out the role it has played in resolving family disputes. In other words, more attention is to the land disputes, commercial sector and others.¹⁰ Dorothy Kasega, in her essay entitled “Judicial process among the Basoga,” emphasizes ADR as the main means of conflict resolution in the pre-colonial societies. A gap is still eminent, as conditions then are not exactly on ground in present day Uganda which is experiencing an influx of family disputes due to different social factors.

Jolm Magezi, a Ugandan advocate. Admitted “A document on ADR in Uganda” (1991) and makes an effort to discuss the topic at great length. He discusses the various mechanisms of ADR and further illustrates their advantages and disadvantages. More so an effort to highlight the problems hindering the introduction and use of ADR is made. Most of these problems have been resolved by the institutions of CADER. Mr. Charles Odere, in his article titled, “ADR and its role in Uganda for the need for education and institutions” (18th June 2001), rightfully points out the role of arbitration in dispute resolution in Uganda and goes ahead to give an elaborate view on arbitration.

A pilot project was established in 2003 to test mandatory mediation in commercial courts. Cases were referred to the Center for Arbitration and Dispute Resolution (CADER), which provided mediation training to recent college graduates and whose rulings were enforceable by the law.¹¹ 445 out of the 778 instances that were referred for mediation were successfully mediated, indicating the program’s efficacy.¹² Owing to the program’s effectiveness, mandatory mediation guidelines were implemented especially for the commercial court in 2007. With the publication of the mediation rules

¹⁰ How can I settle a dispute over a matter which has a monetary value below 10 million UGX? - Justice Centres Uganda. Available at <https://justicecentres.go.ug/how-can-i-settle-a-dispute-over-a-matter-which-has-a-monetary-value-below-10-million-ugx/>

¹¹ Greco. A. P. (2010). ADR and a smile: Neo colonialism and the Westerns newest Export in Africa. DISP.RESOL.LJ. 649-661.

¹² Kizza, A. (2015). On 18th March 2015, mediation was declared a permanent feature all out court processes by honorable principal judge Yorakam Bamwine. Kampala post. Available at <https://ulii.org/akn/ug/judgment/ugheld/2023/414/eng@2023-12-15/source.pdf>

in 2013, it was decided to expand mediation to other courts in light of the commercial court's remarkable success story.

In order to defeat the backlog and improve access to justice, it is crucial that everyone accepts mediation and other mechanisms. In the works of Kobusingye Ruth,¹³ the author recognized the role played by Mediation as an ADR mechanism in resolving disputes. However, in this study we want to narrow the debate to family disputes specifically those in Uganda. Furthermore, in that research¹⁴ the scope of the study was generalized to all civil disputes and little or no mention was made about family disputes and so there is a gap in the existing literature as regards the role played by ADR in resolving family disputes.

John Mroko, justice of the High Court of Tanzania on "ADR as a tool in the administration of justice," (13th May 2010) exposes one of the different mechanisms of ADR but is short on the implementation and relevance of the ADR in Uganda. F.M.S Egoda Ntende, Justice of the High Court of Uganda in his essay titled "Alternative Dispute Resolution as a tool in the administration of Justice," (6th March 2012) gives an informed, well-researched account of ADR mechanisms. However, he does not relate these mechanisms to the resolution of family disputes.

In Uganda, the use of ADR mechanisms is becoming more utilized with divorce cases, offering a faster and less expensive alternative to traditional court litigation. "We need to quickly dispose of family disputes especially those involving children which must be handled confidentially to help family members from the effects of conflicts."¹⁵ We do

¹³ Research Report, An Examination of the Impact of Mediation as a Dispute Resolution Mechanism, A Case Study of Uganda, submitted to the School of Law in partial fulfilment of the award of Bachelors of Laws degree.

<https://afribary.com/works/an-examination-of-the-impact-of-mediation-as-a-dispute-resolution-mechanism-a-case-study-of-uganda>

¹⁴ [Extension/publication/384186911_Examining_the_Role_of_Alternative_Dispute_Resolution_ADR_and_Small_Claim_Procedure_in_the_Settlement_of_Civil_Disputes_in_Uganda/links/66ed625c6b101f6fa4f34802/Examining-the-Role-of-Alternative-Dispute-Resolution-ADR-and-Small-Claim-Procedure-in-the-Settlement-of-Civil-Disputes-in-Uganda](https://www.researchgate.net/publication/384186911_Examining_the_Role_of_Alternative_Dispute_Resolution_ADR_and_Small_Claim_Procedure_in_the_Settlement_of_Civil_Disputes_in_Uganda/links/66ed625c6b101f6fa4f34802/Examining-the-Role-of-Alternative-Dispute-Resolution-ADR-and-Small-Claim-Procedure-in-the-Settlement-of-Civil-Disputes-in-Uganda).

Available at <https://www.researchgate.net/profile/Kiu-Publication>

¹⁵ Deputy Chief Justice Richard Buteera (as he was then,) Available at <https://nilepost.co.ug/court/211567/judiciary-embraces-adr:-200-cases-resolved-in-settlement-week,-using-adr,-deputy-chief-justice-buteera->

note that there is still some reluctance among people as regards adherence to ADR as it was the case in **Baryamureeba James v Kabakonjo Abwooli and others**,¹⁶ where the defendants refused to show up for Mediation. In a nutshell, these ADR mechanisms have been successfully applied in cases such as **Bunkeddeko v Bunkeddeko**¹⁷ and there was a faster and more amicable way of resolving the divorce disputes that were being handled.

1.8. Conceptual Framework

This framework illustrates how the use of ADR mechanisms relates to the resolution of family disputes, while recognizing other factors that might influence the outcomes of the study.

Independent variables	Dependent variables	Extraneous variables
• Mediation	• Time taken to resolve cases	• Nature or complexity of the case
• Arbitration	• Cost of resolution	• Socio-economic status of the parties.
• Conciliation	• Satisfaction of parties	• Quality of legal representation.
• Collaborative law	• Case backlog	• Cultural attitude

1.9. Scope of the Study

1.9.1. Geographical scope

The study is mainly focused on Uganda. This shall be as regards the participants of the study that we shall be able to sample during the study.

1.9.2. Time Scope

The study shall be conducted within four months from January 2026 to April 2026.

announces#:~:text=Martin%20Asingwire%2C%20the%20vice%20president,innovative%20approaches%20to%20dispute%20resolution.

¹⁶ Civil Suit No. 20 of 2023.

¹⁷ Civil Appeal No. 5 of 2021 [2023] UGHCFD 188 (6 July 2023).

1.9.3. Subject scope

The study focuses on family disputes in Uganda. It covers courts, legal practitioners, mediators and individuals who have undergone family disputes through either court litigation or ADR methods.

1.10. Methodology

1.10.1. Research Design

This study seeks to employ a desktop review of all the resources available on the role played by alternative dispute resolution mechanisms in resolving family disputes. This will allow for a comprehensive analysis of the complex relationships between Alternative Dispute Mechanisms, adversarial court system and family disputes.

1.10.2. Data Collection Methods

This study will exclusively rely on secondary data by focusing on existing literature, legal documents, peer reviewed articles and others that are relevant to the role played by ADR in resolving family disputes. Analysis of existing datasets and literature on ADR and family disputes will be carried out. Sources will include Constitution of the Republic of Uganda, 1995 as amended, Acts of Parliament, court cases, academic journals, reports from international organizations, and government publications. Secondary data will also be gathered from the Uganda Law Society websites, research institutions such as Uganda Law Reform Commission, Judicial Service Commission, FIDA Uganda, CADER and others.

1.11. Ethical considerations

1.11.1. Consent

Informed consent will be obtained from all the relevant sources before conducting the study, accessing the websites and necessary documentation online.

1.11.2. Confidentiality

Measures will be taken to ensure the confidentiality and anonymity of the documents that will be accessed. Data will be securely stored and only accessible to the research team.

1.11.3. Approval

Ethical approval will be sought from relevant websites and libraries to ensure compliance with ethical standards and guidelines.

1.12. Limitations of the study

1.12.1. Potential biases

The study acknowledges potential biases, such as researcher bias and response bias. Efforts will be made to minimize these biases through methodological rigor and triangulation of data sources.

1.13. Summary of Chapters

Chapter one introduces the study by providing the statement of the problem, research objectives, research questions, scope and significance and justification of the study. It also introduces the methodology used, Literature review, the conceptual framework and any possible ethical considerations. Chapter two addresses the background of the study. In Chapter three, we shall discuss the legal and non-legal aspects of ADR. Chapter four shall then address the role played by ADR in resolving family disputes and also make an assessment on the different forms of ADR in Uganda. Finally, Chapter five will discuss the summary of findings, offer suitable recommendations and finally conclude the study.

CHAPTER TWO: BACKGROUND TO THE STUDY

2.1. Introduction

Alternative Dispute Resolution (ADR) is defined by Mnookin¹⁸ as a collection of procedures and methods intended to enable the settlement of legal issues outside the judicial system. ADR is therefore the practice and methodology of alternative dispute resolution which includes arbitration, mediation, conciliation, negotiation, and a number of ‘hybrid’ methods in which an impartial third party helps resolve legal problems without resorting to formal adjudication.¹⁹ The Constitution implores that the administration of justice be anchored and premised on the “aspirations, norms, and values of the people of Uganda” with regard to reconciliation between parties.²⁰ This is a core principle expected to guide the administration of justice and the exercise of judicial authority.

This principle enjoins a requirement to embrace alternative forms of dispute resolution, including informal traditional justice mechanisms. Principally, the system was not specifically suited for African people and, as a famous English jurist, Lord Denning, noted people must have a law they understand and they will respect.²¹ In a paper presented at the Annual Judges Conference in 2018, an eminent retired Ugandan law scholar critically highlighted that a crisis of formal justice system (and access to justice) is a crisis of the State.²² As set out in the paper, the law scholar underscores the crisis of the formal system in delivering justice. At the close of the annual judges’ conference, and guided by the presentation by the retired law scholar, the judges

¹⁸ Mnookin, R. (1998). Alternative dispute resolution. Harvard Law School Paper Series, I, 33-45.

¹⁹ Brand, J., Steadman, F., & Todd, C. (2016). Commercial mediation. A user’s guide to court-referred and voluntary mediation in South Africa. Available at <https://www.saflii.org/za/journals/DEREBUS/2013/89.pdf>

²⁰ Article 126(2)(d) of the Constitution of the Republic of Uganda, 1995 as amended.

²¹ Nyali Limited v Attorney General [1956] 1 QB 1. The application of common law principles in African legal systems was likened to transplanting an English Oak to African soil and expecting it to retain the tough character which it has in England without careful tending.

²² Frederick W. Jjuuko, ‘The role of informal justice mechanisms in deepening access to justice: options and opportunities for legal pluralism in Uganda’, being a paper presented at Annual Judges Conference, January 5, 2018.

passed a resolution to promote legal pluralism as part of the justice system and access to justice.

2.2. Background

Uganda has had a long history of Family Disputes that often ended up in deaths and others in courts of law. Those who end up in courts of law are always seeking for the legal knife to untie the knot and sometimes divide the matrimonial property and even determine the custody of the children they bore. It is because of this legal avenue that family disputes in Uganda kept shooting up, posing a challenge to the traditional court system due to delays, costs and emotional toll.²³ Alternative Dispute Resolution later emerged as a viable mechanism to counter marital disputes more amicably and efficiently and thus the study aims at examining the role played by ADR in handling family disputes in Uganda.

When it comes to resolving conflicts between two or more parties, litigation has been the most popular approach for the previous century. But this approach has often demonstrated its severe shortcomings.²⁴ Litigation has frequently resulted in cumbersome, costly, erratic, and archaic methods of resolving conflicts.²⁵ Because of this, the legal system and society at large have looked for alternatives to traditional dispute resolution techniques, or alternative resolution methods (ADR).²⁶ Alternative Dispute Resolution is the term for a collection of these procedures and methods that were later designed to enable the settlement of legal disputes out of court.²⁷ In fact,

²³ McIntosh, W.: 150 Years of Litigation and Dispute Settlement: A Court Tale. *Law & Society Review*. 15, 823-848 (1980). <https://doi.org/10.2307/3053513>

²⁴ Brand, J., Steadman, F, & Todd C (2016) Commercial mediation. A user's guide to court referred and voluntary mediation in South Africa. Available at <https://www.saflii.org/za/journals/DEREBUS/2013/89.pdf>

²⁵ South African Law Commission (2007). Alternative Dispute Resolution. Available at https://www.justice.gov.za/salrc/ipapers/ip08_prj94_1997.pdf

²⁶ Wahab, A. (2013). A Court-annexed and judge-led mediation in civil cases: the Malaysian experience. A PhD-thesis submitted to the Victoria University Australia. Available at <https://vuir.vu.edu.au/24331/1/Alwi%20Abdul%20Wahab.pdf>

²⁷ Mnookin, R (1998). Alternative Dispute Resolution. *Harvard Law School Paper Series*, I, 33-45.

ADR is currently being used more frequently in Uganda, with arbitration and mediation being particularly popular.²⁸

For Florence²⁹, ADR is a voluntary, informal, consensual, fully secret, and non-binding technique for resolving disputes when the parties are assisted in reaching a negotiated settlement by an impartial third party. In order to let disputing parties voluntarily reach their own mutually acceptable settlement of the topics in dispute, it is necessary for an acceptable, impartial, and neutral third party to intervene in a dispute or negotiation. This third party must not have the authority to make decisions solely but through assisted discussions with the parties. In the words of Hon. Justice Geoffrey,³⁰ ADR is an organized negotiating process in which the disputing parties work out a settlement on their own with the assistance of a neutral third party who has received ADR training.

The 1994 Justice Platt's Report on Judicial Reform recommended augmenting the use of Alternative Dispute Resolution alongside litigation; shortly after, a major statement was made in the new 1995 constitution under Article 126 (2) (b)³¹ to the effect that justice shall not be delayed. In 1996 the creation of a Commercial Division,³² within the High Court devoted to hearing and determining commercial disputes with current jurisdiction (as established under Legal Notice No.4 of 1996 and Instruction Circular No.1 of 1996.) This saw a major breakthrough for the involvement of ADR in civil disputes. These developments were later followed by the enactment of the Arbitration and Conciliation Act Cap 5 which commenced on 19 May 2000 to legalize the Arbitration as a mode of legal dispute settlement.

Therefore, ADR is not as novel as it may seem in African culture, where the appointment of a third-party mediator is still based on that person's reputation and social standing.

²⁸ Kakooza, A.C.K. (2009). Arbitration, Conciliation and Mediation in Uganda: A focus on practical Aspects. Uganda Living Law Journal, 7(2), 268-294.

²⁹ Florence, K. S. (2013). Mediation Commission Embrace: Introduction of Court- Annexed Mediation into the Justice System in Kenya. Buckingham: Open University Press.

³⁰ Kinyabwire, W.M. G. (2005). Alternative Dispute Resolution: A Ugandan Judicial Perspective. A paper delivered at a continuation Seminar for Magistrates Grade One at Collin Hotel Mukono. Available at <https://ir.kiu.ac.ug/bitstream/20.500.12306/13450/1/Tino%20Tracy%20Okiria.pdf>

³¹ The Constitution of the Republic of Uganda, 1995 as amended.

³² Available at <https://judiciary.go.ug/data/smenu/17/Commercial%20Court%20Division.html>

Decisions made with the help of a third party are typically universally supported in the community and carried out in good faith. Under the continental law, the court system has long upheld the ideas of 'ex aequo et bon' (in justice and good faith) or 'amicable composition,' in which a decision is made based on what seems to be just and fair and reasonable as opposed to what is legally required. Historically, these ADR mechanisms had been employed by other sectors such as the commercial cases but need arose and these mechanisms have been employed effectively and in the recent past, they became more utilized in other sectors such as family disputes, thus the need for this study.

2.3. Conclusion

It is imperative to deduce that ADR mechanisms have been in the recent past employed as a tool of dispute resolution in divorce, custody, matrimonial, parentage and adoption disputes, in Uganda and to underscore the contribution they have made is to betray justice that has been realised because of the same. It is against this backdrop therefore that this study shall conclude that there has been a faster resolution of family disputes instead of sticking in line waiting for the usual litigation procedures. Also, the parties have amicably settled their disputes without the need to tear apart the family knot, and in particular cases where the same happened, then it happened responsibly without the need to strain the relationships of the parties involved.

CHAPTER THREE:

AN OVERVIEW OF ALTERNATIVE DISPUTE RESOLUTION UGANDA

3.1. Introduction

This chapter examines both the legal and non-legal aspects of the study, providing an overview of the topic inclusive of a legal context in order to demonstrate that family dispute resolution cannot be adequately understood through doctrinal legal analysis alone. It explores traditional methods of dispute resolution that were used before formal litigation was introduced, specifically focusing on how these methods have been applied to resolve family disputes and how alternative dispute resolution is worked alongside litigation. Family disputes are deeply embedded in social relations, cultural norms, psychological dynamics, and economic realities. Consequently, the effectiveness of ADR in resolving such disputes depends on the interaction between law and these broader non-legal factors.

3.2. Non-legal aspects of ADR

The emphasis in this Chapter is on the possibility of resolving family disputes without resorting to court. It would be a misconception to believe that disputes only arose after colonialists arrived in Uganda and Africa at large, upon their arrival they introduced litigation as a means of dispute resolution. It is worth noting that indigenous communities had their own ways of resolving disputes, which were organized communally as compared to the “Western individualistic” approach. In traditional societies,³³ there is a strong emphasis on reconciliation and reintegrating the conflicting parties back into their communities. The aim of traditional dispute resolution processes is not only to mend the relationships between individuals but also to restore the connections of those individuals with their communities.

Traditional dispute resolution mechanisms are led by community leaders, they provide a culturally sensitive approach to resolving conflicts. Recognized by legal frameworks,

³³ David Mcquoid-Mason, ‘Could traditional dispute resolution mechanisms be the solution to reducing the volume of litigation in post-colonial developing countries - particularly in Africa?’ Oñati Socio Legal SERIES VOLUME 11, ISSUE 2 (2021), 589-604: “TOO MUCH LITIGATION?": FACTS, REASONS, CONSEQUENCES, AND SOLUTIONS. Available at <https://opo.iisj.net/index.php/osls/article/download/1174/1317/0>

these systems offer an accessible alternative to formal courts, leveraging local customs and values to promote reconciliation and understanding. Customary dispute settlement and Mediation,³⁴ are recognized in The Land Act of Uganda, recognizing traditional mediators in land disputes, combining customary dispute settlement mechanisms with modern mediation strategies. This approach promotes cultural relevance, reconciliation, and accessibility.

By formalizing traditional mediators' roles,³⁵ the Act fosters more effective and sustainable dispute resolution outcomes. Mediation (or conciliation) is formally defined in Article 1 of the 2002 UNCITRAL Model Law on International Commercial Conciliation as, “a process ... whereby parties request a third person or persons ... to assist them in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relationship.”³⁶

Mediation is a constructive approach to conflict resolution that mends relationships, brings forth mutual concerns, and explores different perspectives, fostering learning and growth. It is a voluntary, party-centered and structured negotiation process where a neutral third party assists the parties in amicably resolving their dispute by using specialized communication and negotiation. The end result is a consent agreement which can be enforced as a consent judgment. Mediation enables parties to find mutually beneficial solutions, improving relationships and outcomes by facilitating open communication and understanding, allowing them to resume or begin negotiations.³⁷

Effective mediation skills enable people to navigate complex discussions, address underlying conflicts, and foster collaborative decision-making, ultimately strengthening working relationships. In Uganda, His Excellency Yoweri Kaguta Museveni the president advocated for Alternative Dispute Resolution,³⁸ to strengthen the justice system, while

³⁴ Land Act Cap 236, Section 85.

³⁵ Section 86 of the Act.

³⁶ Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17 (A/57/17), annex

³⁷ Eric M. Runesson and Marie-Laurence Guy, ‘Mediating Corporate Governance Conflicts and Disputes.’ Available at <https://documents1.worldbank.org/curated/en/969191468314989975/pdf/418270NWP0Focu1ion0321443B01PUBLIC1.pdf>

³⁸ Michael Odeng, ‘Museveni advocates for ADR to strength justice system.’ Available at

delivering a speech during the swearing of 21 newly acting judges on 4th March, 2025 he proposed the renaming of Alternative Dispute Resolution to “Original Dispute Resolution” arguing that traditional systems of conflict resolution have long existed in African Culture and should be embraced alongside the formal process.

The Chief Justice of Uganda, Hon. Justice Alfonse Owiny-Dollo also echoes the need to embrace Alternative Dispute Resolution,³⁹ if the country’s justice delivery is to realize the desired judicial transformation and also make efforts to curb case backlog. There has been an implementation of these propositions in the "Alternative Justice System (AJS) Strategy for the Judiciary of Uganda," developed in June 2023, emphasizing integrating traditional and informal justice mechanisms within the formal judicial framework to enhance access to justice. The strategy identifies four key pillars: pre-litigation, dispute, active dispute, and AJS in criminal matters, promoting community-based resolution methods.

Notably, less than 5% of disputes are resolved in courts, highlighting the need for alternative pathways. This strategy aligns with Uganda's constitutional mandate and National Development Plan III, aiming for a more inclusive justice delivery system. Available Family laws generally provide not only the right to the parties to resolve the disputes amicably, but also the right to authorize litigants to first utilize the ADR options exhaustively before going to court.

In conclusion, this chapter underscores the vital role of non-legal and legal approaches to dispute resolution in Uganda, emphasizing the significance of traditional methods that foster communal reconciliation and restorative justice. The support for Alternative Dispute Resolution (ADR) from both the President and Chief Justice highlights its relevance in the cultural context. By embracing both traditional systems and ADR, Uganda's justice system can effectively address family conflicts while promoting social harmony and understanding within communities.

<https://www.newvision.co.ug/category/news/museveni-advocates-for-adr-to-strengthen-just>
NV_206212

³⁹ Ibid.

3.3. Legal dimensions of ADR in family disputes

Legally, ADR derives legitimacy from constitutional principles such as access to justice, equality before the law, and the right to a fair hearing. Modern legal systems increasingly recognise ADR as a complementary mechanism that enhances judicial efficiency without undermining the authority of courts. Legal scholars argue that ADR in family disputes must operate within a rights-based framework. Courts retain supervisory jurisdiction to ensure that ADR outcomes comply with statutory requirements, public policy, and fundamental rights, particularly where children are involved.

3.3.1. Constitutional Framework

The Constitution of the Republic of Uganda, 1995 establishes the foundation for access to justice,⁴⁰ equality before the law,⁴¹ fair hearing,⁴² and protection of human rights. The same Constitution also guarantees for children's rights, mandating that their best interests be of paramount importance. These constitutional principles guide the use of ADR in family disputes.

3.3.2. Statutory Framework

The Marriage Act governs the formation of marriages, while the Divorce Act regulates dissolution and ancillary reliefs. The Children Act establishes Family and Children Courts and prioritizes the best interests of the child in custody and maintenance disputes.⁴³ The Arbitration and Conciliation Act provides a general framework for ADR, although its application to family disputes is limited by public policy considerations.

Statutorily, the Judicature (Mediation) Rules,⁴⁴ formally institutionalise mediation within court processes. These Rules empower courts to refer disputes, including family matters, to mediation and provide for the adoption of mediated settlements as consent judgments. Although the Arbitration and Conciliation Act provides a general framework for ADR, its application in family disputes is constrained by public policy considerations.

⁴⁰ Article 126(2)(e).

⁴¹ Article 21.

⁴² Article 28.

⁴³ Article 34.

⁴⁴ S.I. No. 10 of 2013.

Judicial authority has further affirmed the role of ADR in Uganda. In *Attorney General v James Mark Kamoga*,⁴⁵ the Supreme Court recognised ADR as an integral part of access to justice and encouraged its use as a complementary mechanism to litigation.

⁴⁵ Civil Appeal No. 8 of 2004.

CHAPTER FOUR:

ALTERNATIVE DISPUTE RESOLUTION MECHANISMS IN RESOLVING DOMESTIC DISPUTES

4.1. Introduction

Alternative Dispute Resolution (ADR) is defined as an encompassing all legally permitted process of dispute resolution other than litigation.⁴⁶ It plays a central role in resolving family disputes in Uganda by providing flexible, participatory, and non-adversarial mechanisms. Nolan-Haley defined it as ‘an umbrella term that refers generally to alternatives to the court adjudication of dispute.’⁴⁷ Mediation is widely used in disputes relating to child custody, maintenance and matrimonial property. It therefore promotes amicable settlement, preserves family relationships and reduces emotional trauma particularly where children are involved.

Family disputes differ from other civil disputes because they involve ongoing personal relationships. ADR plays a crucial role in preserving these relationships by promoting dialogue, cooperation, and mutual understanding. Mediation, in particular, encourages parties to focus on interests rather than positions, thereby reducing hostility and fostering reconciliation. This role is especially important in disputes involving child custody and maintenance, where parents are required to continue co-parenting even after separation or divorce. ADR enables parents to reach child-centered agreements that prioritize the welfare of the child, in line with the best interests principle under the Children Act.

Uganda generally holds a positive view of ADR for resolving family disputes, reflecting its wider approach to alternative dispute resolution (ADR) as a more efficient and cost-effective way to handle legal matters. The country’s legal framework, particularly the Arbitration and Conciliation Act which supports the use of arbitration for domestic family disputes has played a significant role in fostering amicable resolution of family

⁴⁶ Ware, S. J. (2001). *Alternative Dispute Resolution*. St. Paul, p. 5.

⁴⁷ Nolan-Haley, J. M. (2008). *Alternative Dispute Resolution in a Nutshell*, St. Paul, p. 7

disputes. One of the other most significant roles played by ADR in family disputes is the enhancement of access to justice. Court litigation in family matters is often prohibitively expensive and procedurally complex, particularly for women and low-income individuals. ADR mechanisms are generally less costly, faster, and more accessible. Court-annexed mediation has contributed to decongesting family courts and reducing delays in the resolution of disputes.

Civil society organisations such as the Federation of Women Lawyers (FIDA-Uganda) and Justice Centres Uganda have played a critical role in providing mediation services alongside legal aid. Through ADR, vulnerable groups are able to resolve disputes without the financial and emotional burdens associated with prolonged litigation. ADR also allows parties to craft flexible solutions that may not be available through formal court judgments. Mediated settlements can accommodate cultural practices, family dynamics, and practical realities, making outcomes more acceptable and sustainable. Community-based ADR mechanisms, rooted in customary practices, enjoy social legitimacy and are often perceived as more responsive to local realities.

However, while cultural responsiveness is a strength, it also necessitates caution. Customary ADR mechanisms may perpetuate gender inequality or undermine statutory protections for women and children. The role of courts in supervising and reviewing ADR outcomes is therefore essential to ensure compliance with constitutional and human rights standards. ADR plays an important therapeutic role in family dispute resolution. Unlike adversarial litigation, ADR processes provide a less confrontational environment that allows parties to express emotions and feel heard. This reduces psychological stress and promotes emotional healing. The theory of therapeutic jurisprudence supports the use of ADR in family disputes on the basis that legal processes should contribute to, rather than undermine, psychological wellbeing.

4.2. Forms of Alternative Dispute Resolution

4.2.1. Mediation

Moore (2014) defines mediation as the intervention in a conflict of an acceptable third party, who assists the involved parties to voluntarily reach a mutually acceptable

settlement of the issue in dispute. The National Alternative Dispute Resolution Advisory Council (2003) defines it as a process in which the participants to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of Mediation whereby resolution is attempted (Moore ,2014 and Bercovitch & Gartner, 2006).

Moore (2014) further defines mediation as a voluntary and informal process in which the disputing parties select a neutral third party (one or more individuals) to assist them in reaching an acceptable settlement. According to Bercovitch & Gartner (2006), the mediator unlike a judge, has no power to impose a solution on the disputing parties, instead the mediator assists them in shaping solutions to meet their interests. Abramson (2004) notes that mediators employ a wide-range of skills and techniques to assist parties to communicate effectively and develop a cooperative and problem-solving attitude.

Mediation finds its strengths through its privacy and confidentiality mode of operation, its voluntary and consensual obligations, its flexibility with rules and regulations, and its focus on interests and needs of the parties rather than the personalities behind the issues, and this form of Conflict resolution Abramson (2004) and Bercovitch & Gartner (2006), Moore (2014), Abramson (2004) and Bercovitch & Gartner (2006), show that the mediator's role and the Mediation process differ significantly, depending on the type of conflict and mediator's approach. The authors further indicate that a mediator identifies parties' underlying interests, narrows down the issues of conflict, transmits messages between parties, and explores possible options for agreement. The mediator may also point out the consequences of non-settlement. The analysis of mediation in this study also illuminate how mediation can help mitigate the destructive consequences of conflicts.

4.2.2. Arbitration

Arbitration is an adjudicative conflict resolution process based on an agreement between the parties to refer a dispute or difference between them to impartial arbitrators for a decision (Blake, et al. 2011). Blake, et al (2011) further refer to arbitration as the submission of a dispute to an unbiased third person selected by the parties to the controversy, who agree in advance to comply with the award. In 1923 the International Chamber of Commerce adopted the first rules on institution on arbitration and established the Institute of Arbitration. The increase of international agreements, treaties and conventions such as UNCITRAL Model Law on International Commercial Arbitration of 1985, INSIDE Convention of 1965 has led to great effect on the growth of commercial arbitration as a mechanism of dispute settlement almost in all parts of the world.

According to Doyle & Haydock (1991) arbitration is another form of ADR in which a dispute is submitted to one or more neutral persons to resolve a dispute. After a hearing, Arbitration may result into a binding decision and final award. Tong (2009) notes that Arbitration is an adjudicatory dispute resolution process in which one or more arbitrators judge issues on the merits (which may be binding or non-binding) after an expedited, adversarial hearing, in which each party has the opportunity to present proofs and arguments.

In Court-annexed Arbitration, one or more arbitrators, usually lawyers, issue a non-binding judgment on the merits after an expedited, adversarial hearing (Sherman, 1992). The arbitrator's decision addresses only the disputed legal issues and applies legal standards (Getman, 1979). Bender (2011) states that either party in arbitration may reject the non-binding ruling and proceed to trial; sometimes, cost sanctions may be imposed in the event the appellant does not improve his/her position in Court. This process may be mandatory or voluntary. The decisions of arbitrators in private arbitration may be non-binding or binding (Sternlight, 2007). Binding Arbitration decisions typically are enforceable by Courts and not subject to appellate review, except in the cases of fraud or other defect in the process (Janicke, 2002).

Often binding arbitration arises from contract clauses providing for final and binding arbitration as the method for resolving disputes (Jannadia, et al. 2000). Authors Janicke (2002) and Jannadia, et al. (2000) advance that if a person signs a contract that has a mandatory, binding arbitration agreement, he or she gives up the right to go to court and must submit to the arbitral award. Bender (2011) points out that arbitration is similar to a judicial proceeding but is less formal, and that arbitrators must always possess a judicial disposition just like judges and must have good case management skills. According to Hollander-Blumoff & Tyler (2011) Arbitration is procedurally less formal than Court adjudication; procedural rules and substantive law may be set by the parties.

According to Khan (2007) arbitration is a private consensual process where parties in dispute agree to present their grievances to a third party for resolution. It is an adversarial process and in many ways resembles litigation. Khan (2007) further outlines the advantages of arbitration being that parties can agree on an arbitrator to determine the matter; the arbitrator has expertise in the area of dispute; any person can represent a party in the dispute; flexibility; cost-effectiveness; confidentiality; speed and the result is binding. Comparatively, proceedings in a formal court are open to the public, whereas proceedings in commercial arbitration are private, accordingly the parties who wish to preserve their commercial secrets may prefer commercial arbitration (Cornu & Marc-Andre (2010).

In spite of this, it is pertinent to point out that there are exceptional situations of mandatory binding Arbitration especially when prescribed by statutes and laws (Sheppard, 2007). Cornu & Marc-Andre (2010) analyse the situations in which such methods might be preferred to the classical judicial means. The study concludes that alternative methods of dispute resolution enable consideration of non-legal factors, which might be emotional considerations or a sense of moral obligation, and this can help the parties find a path to consensus.

This study defines Arbitration as a quicker and simpler means of proceeding in Commercial conflicts, offering litigants the benefit for instance of selecting the

preferred arbitrator. This study focuses on the use of Arbitration where there is a pre-dispute agreement in which parties bind themselves to resolve disputes through Arbitration or post-dispute the parties agree to arbitrate a dispute that has arisen; or where the court also has ordered parties to arbitrate a given dispute.

4.2.3. Negotiation

Fisher & Ury (2011) identify negotiation as the most used form of conflict resolution because of its vast applicability within the home and community. Pruitt (2005) states that Negotiation allows the conflicting parties to control the process and the outcomes of the process. Moore (2014) argues that when compared with processes involving third parties, in negotiation the parties voluntarily seek a mutually acceptable agreement to resolve their common dispute. Negotiation can either be adversarial or problem solving (Bender, 2011). In an adversarial approach, the lawyer aims at maximizing individual gain for his client based on his/her client's bottom line, while a problem solving approach looks at the joint opportunities for all the disputing parties (Moore, 2014).

Fisher & Ury (2011) postulate that negotiation is a basic means of getting what you want from others. It is a back and forth communication designed to reach an agreement. Negotiation is primarily used in the trade union discussions with the governmental representatives, these forms of negotiation tends to bring options to the table and can neutralise antagonisms of one to the other (Bender, 2011; and Fisher & Ury 2011). Smith (2000) describes negotiation as a fundamental tool for managing the disputes in a contract and also to manage the conflict. After a review of the literature and interviews with practitioners,

Smith (2000) outlined ten factors in the negotiation process that seem to be influenced by a person's culture. The factors include goals, attitudes, personal styles, communication, time sensitivity, emotionalism, agreement, agreement building, team organization and risk taking. Fisher & Ury (2011) and Smith (2000) indicate that even though negotiations can be time consuming and mentally taxing, they are usually most fruitful in the end, for there is the likelihood of a win-win situation, where both parties

leave the table with something better than what they came with. This study focuses on Negotiation as a form of ADR which involves a consensual bargaining process in which parties negotiate without the intervention of a third party to reach an agreement in a dispute.

4.2.4. Conciliation

According to the Halsbury's Laws of England (2008), conciliation refers to a process of persuading parties to reach agreement, an independent person or persons are appointed by the parties with mutual consent by agreement to bring about a settlement of their dispute through consensus or by using of the similar techniques which is persuasive. Abu, et al. (2006) define conciliation as a process in which a third party meets with the disputants separately in an effort to establish mutual understanding of the underlying causes of the dispute and thereby promote settlement in a friendly, un antagonistic manner. Jacqueline & Nolan-Haley (2001) state that a conciliator uses a number of techniques to reduce the tension among the parties, improving their communication. Successful conciliation reduces tension, opens channels of communication and facilitates continued negotiations.

In conciliation a third party, called a conciliator, repairs injured relationships between conflicting parties by bringing them together, clarifying perceptions, points out misperceptions and aids conflicting parties to reach a resolution (Abu, et al. 2006). Conciliation is similar to Mediation but less structured. The difference between mediation and conciliation is that the conciliator, unlike the mediator who is supposed to be neutral, may or may not be totally neutral to the interests of the parties. Frequently, conciliation is used to restore the parties to a pre-dispute status quo, after which other ADR techniques may be applied. Conciliation is also used when parties are unwilling, unable, or unprepared to come to the bargaining table (Jacqueline & Nolan-Haley, 2001 and Brown & Marriot, 2011).

4.3. Conclusion

The above approaches to dispute resolution play an important role in the way a dispute is resolved and the manner in which the relationship of the parties is built. The study seeks to find out how the preferred options of dispute resolution are beneficial in resolving the conflicts.

CHAPTER FIVE:
OVERALL CONCLUSION AND RECOMMENDATIONS

5.1. Overall Conclusion

This chapter analyses the key discoveries, inferences, and proposed actions derived from the study on the efficacy of ADR in resolving family disputes in Uganda, providing a comprehensive overview of the research outcomes and their implications for the country's family landscape.

This study examines the role of Alternative Dispute Resolution (ADR), in resolving family disputes in Uganda. The research reveals a strong framework for family dispute resolution, which includes international conventions, regional instruments, Organizations and domestic legislation. Key findings highlight the importance of standardizing family laws, protecting family ties, and addressing the challenges associated with resolution of family disputes. Additionally, the study underscores the key role of ADR in family disputes, such as faster resolution, lower costs, and confidentiality.

It indicates a significant potential for using ADR in family disputes, thanks to streamlined legislation along with international conventions that support this approach. This method is preferable to traditional litigation, which often hinders the maintenance and growth of relationships. The study also suggests practical ways to resolve disputes through arbitration, primarily by incorporating arbitration clauses in assignment contracts or drafting separate agreements to facilitate arbitration for family disputes.

Furthermore, it highlights the willingness of international organizations and stake holders to adopt arbitration and other ADR mechanisms. There is a shared desire to elevate arbitration as a means of resolving disputes, not only in family disputes but across various fields. The role of ADR is clearly presented in the study, including the expedited resolution of disputes which is crucial. This approach helps prevent delays associated with lengthy litigation and supports the maintenance of families despite the divisions that may come along.

5.2. Recommendations

Based on the findings and conclusions, this study firmly recommends the following actions:

5.2.1. Enhanced Awareness and Education of arbitration

It is essential to significantly increase awareness of Alternative Dispute Resolution (ADR) mechanisms, especially arbitration, among families. Training more key players such as mediators and arbitrators especially experts in the field of family law who are well acquainted with the nature of family disputes. Arbitration of family disputes should be presided over by family law experts. Having arbitrators with family law expertise can ensure that technical aspects of family law are properly understood and applied, resulting in more informed and effective dispute resolution. This expertise can be particularly valuable in complex family cases involving intricate legal and technical issues.

5.2.2. Institutional Strengthening

In order to ensure CADER's effectiveness under the Ministry, it's essential to maintain its autonomy in decision-making, provide adequate resources and funding, and ensure transparent and accountable operations. This will foster stakeholder trust and confidence, enabling CADER to perform its roles with integrity and promote effective family tie administration and enforcement. Regular reviews and strengthening of its mandate will further enhance its functionality.

By decisively implementing these recommendations, Uganda will advance its copyright protection and dispute resolution framework, thereby promoting innovation, creativity, and economic growth with confidence.

5.3. Future Perspectives

The study concludes that alternative dispute resolution mechanisms play a significant role in resolving family disputes in Uganda, offering a viable alternative to traditional litigation. The country's commitment to international treaties, regional cooperation, and domestic legislation provides a solid foundation for family ties and dispute

resolution. The Center and the Centre for Arbitration and Dispute Resolution (CADER) plays a crucial role in promoting ADR mechanisms. By embracing arbitration and other ADR methods, stakeholders can navigate the complexities of family disputes, fostering family unity over divisions.

The CADER emerges as a beacon of hope, offering an efficient and cost-effective alternative to traditional litigation – perfectly suited for the sophisticated landscape of family law. By embracing Alternative Dispute Resolution mechanisms, stakeholders can adeptly navigate the complexities of family disputes, ultimately fostering a thriving environment for family relationships. Uganda's commitment to these values, not only enhances the resolution of family conflicts but also acts as a catalyst for economic, social, and cultural development across the region.

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