# Alternative Dispute Resolution: What We Know, Don’t Know and What We Need to Know to Fill the Gaps

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## Abstract

This paper reviews alternative dispute resolution (ADR), focusing on what we know—and still need to know—about the role and importance of dispute resolution processes in achieving people-centered justice. Based on existing research, we know that ADR encompasses a wide variety of processes, including mediation, arbitration, conciliation, and negotiation, designed to resolve disputes outside formal court procedures. Legal needs surveys reveal that while formal mediation and arbitration conclude only about 1.6% of justice problems globally, negotiation leading to agreement is by far the most common pathway to resolution. If one party giving in to the demands of the other party is included, agreed resolution accounts for over 50% of concluded disputes. Dispute resolution research has identified five main barriers to resolution: understandable and natural emotions, information asymmetry, hard bargaining over distributive issues, abuse of power, and differing beliefs about fairness. Plausible interventions to overcome these barriers, such as active listening, focusing on interests, and providing objective criteria, have been developed and applied by practitioners, though evidence on their actual effectiveness remains limited. We also know that integrating ADR elements into court processes, creating seamless resolution pathways, and developing effective accountability mechanisms to monitor and improve the quality of ADR outcomes show promise for improving resolution rates and procedural fairness. However, important questions remain around how to evaluate ADR effectiveness using standardized criteria, which specific interventions work under which conditions, and how to scale and sustain ADR systems across jurisdictions. Significant gaps also persist in understanding how ADR can be systematically monitored, how accountability for fair outcomes can be ensured, and how effective dispute resolution can contribute to broader development goals such as poverty reduction and inclusive governance.

Drawing on legal needs data, negotiation research, and evaluation studies, this paper argues that creating shared standards for evaluating processes and building scalable, sustainable ADR systems is an essential—and feasible—next step for advancing people-centered justice.

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# Alternative Dispute Resolution: What We Know, Don't Know and What We Need to Know to Fill the Gaps

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## Introduction

Alternative dispute resolution (ADR) refers to processes and interventions for resolving disputes other than formal procedures provided by courts of law or other authorities. In legal needs surveys, few respondents identify mediation or arbitration as the process by which their legal problem is resolved. Another ADR process, negotiation leading to agreements or to doing what the other party requests, is by far the most frequent process for concluding disputes.

This white paper investigates what is known and not known about the effectiveness of ADR processes. Dispute resolution research has identified five main types of barriers to resolving conflicts. Many plausible interventions and process steps to overcome these barriers have been suggested and are applied by practitioners.

Developing, testing, and gradually improving effective interventions would be enabled by agreement on criteria for effectiveness. A promising area for further research is how effective interventions can be integrated into seamless resolution pathways. Accountability and ownership for effective dispute resolution is an area of concern. Impact of ADR on broader goals like poverty reduction, inclusive growth, and participation is plausible if effective ADR processes are applied in a scalable and sustainable way. The conclusion is: if we figure out what processes work to resolve disputes, and we apply them, the world is more likely to be a better place for people.

## 1. Overview

People-centered justice is a broad approach emphasizing understanding people's justice needs and tailoring solutions to meet those needs. This approach aims to make justice more accessible, user-friendly, and effective by focusing on outcomes that matter to people.

For example, the OECD Recommendation of the Council on Access to Justice and People-Centered Justice Systems of July 12, 2023 defines access to justice as the ability of people, businesses, and communities to prevent conflicts and obtain effective, fair, equitable, and timely resolution of their legal and justice-related needs.[1] Legal and justice-related needs include the problems with a legal or justice dimension in any sector or any party to the dispute and the subsequent demands for justice services and other dispute resolution mechanisms to obtain recognition of and remedy to such problems. The Recommendation then describes legal and justice services as services offering individuals and businesses 1) support in the form of legal information, advice, resources, and representation, and 2) formal or informal mechanisms to resolve their disputes or address their legal needs, including alternative dispute resolution (ADR) mechanisms that enable out of court settlements and schemes that support prevention and de-escalation.

In this paper, we investigate what is known, not known, and what needs to be investigated about alternative dispute resolution (ADR) as a way to resolve justice problems by out of court settlements or otherwise. Section 2 presents a high-level overview of ADR processes and ADR research. Section 3 explores what is known about how people with justice problems use ADR and reasons behind this. Section 4 delves into effectiveness of ADR interventions. Section 5 suggests how knowledge regarding ADR can be improved to increase effectiveness and eventually achieve positive societal impacts like reduced poverty and improved governance. Section 6 offers concluding remarks on priorities.

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## 2. Alternative dispute resolution

### *2.1. A variety of dispute resolution processes*

As the concept suggests, ADR refers to all alternatives to traditional court processes as means to resolve disputes. Courts are conventionally seen as independent institutions that decide disputes according to preexisting rules, in an adversarial process, and in a winner-take-all way.[2] Alternative dispute resolution then encompasses any process aiming to resolve disputes or intervention contributing to resolution that courts do not use or use ineffectively.

By definition, ADR is then a very broad movement, looking for processes that respond to what courts fail to deliver. In particular, ADR processes may be more effective than courts in delivering fair solutions. Another advantage of ADR could be that it is easier to provide at scale than court processes. This is also related to sustainability: can the process be applied with the available financial resources and used confidently by the professionals and volunteers that have to apply them?

A narrower view on ADR focuses on a number of specific processes like mediation, arbitration, conciliation, negotiation, alternative sanctioning, restorative justice, or neutral fact-finding. These processes may be facilitated by mediators, arbitration panels, ombudsmen,3 therapists, or other specialized professionals.

Within these categories, the variation can be huge. Court-annexed mediation can be a one-hour interaction on the day of the court hearing. It also may be a process with many phases and multi-hour sessions extending over many months.[4]

In the current state of affairs, it is impossible to give a comprehensive overview of ADR processes on offer. Most countries organize courts at the state, provincial, or county level. Whether ADR processes are organized at all, and under whose formal responsibility, is even less transparent, because ADR may be provided by the private market and individual companies may implement their own ADR systems. For example, the EU has established a process for consumer ADR systems to be certified by governments. As of December 2025, EU countries have certified 453 ADR procedures for consumer disputes.[5] Different types of disputes may be covered by different types of ADR.

ADR may be difficult to distinguish from informal justice. In a particular dispute, the parties are likely to be able to find some third party who can assist them in some way: mutual friends, family members, elders in the community, social workers, civil servants, paralegals, scribes, or notaries. This third party may or may not use a standardized resolution process when supplying interventions, and the third party may have described and documented the interventions more or less well for purposes of replication and learning.

### *2.2. ADR research and development*

As might be expected, ADR research is as broad as the field itself.[6] Many ADR projects and services exist and many of them have been researched or evaluated. Data on interventions and procedures have been collected by game theorists and social psychologists in their labs. Institutional economists, scholars of legal procedure, and negotiation theorists have assessed interventions using a broad variety of theoretical frameworks. Socio-legal researchers have collected justice needs data and mapped the landscape of providers.

The vast literature provides plausible answers or less solid hypotheses for many research questions that are relevant for the effectiveness, scalability, and sustainability of ADR processes.[7] In the worldwide body of knowledge, an awful lot is available. So what can be considered known or not known? Sandefur and Burnett have noted that research in access to justice appears to be about many different activities, in many different places, with many different populations.[8] It does not include all activities involved in access to justice, nor does it reflect some kind of universal experience. The combination of diverse substance and uneven empirical coverage creates challenges both for scholars seeking understanding and for practitioners in the world looking for actionable intelligence. There is no explicit agreement yet on a common set of important questions or even common terminology.[9]

In the subfield of ADR, dispute resolution experts have begun to consolidate relevant knowledge. Dispute system design is an emerging discipline,[10] which is closely related to legal design and human-centered design.[11] Scholars describe how elements of dispute systems can be integrated.[12] They write practical guides recommending to focus on key elements like the walk away option of disputants, interests, options for meeting interests, objective criteria for distributive issues,

communication, relationship, and commitment.[13] As we will see, common frameworks for investigating dispute resolution processes are still in early stages and should be a high priority on research agendas.

## 3. Application

### *3.1. Few mediations and arbitrations, many negotiations*

One area where some standardization has taken place is the field of legal needs surveys. The standard approach is now to investigate justiciable problems.[14] In this way, data regarding usage of ADR processes for resolving problems with legal and justice elements have become available.

If ADR processes are defined narrowly, these data suggest that the most prominent ADR processes, mediation and arbitration, are of limited relevance in the current landscape of dispute resolution.

Table 1 lists the ways people currently resolve justice problems according to the World Justice Project Global Insights on Access to Justice surveys conducted in three major cities in 100 countries.15 The Table lists the average ways problems are concluded in low income, lower middle income, higher middle income, and higher income countries. Only 1.6% of problems are concluded by mediation or arbitration, with twice as many problems concluded by a decision of a court or other formal authority (3.1%). Mediation and arbitration are used somewhat more often in countries with lower incomes. Afghanistan (11%), Ethiopia (8%), and Namibia (7%) report the highest rates of problem closure by mediation or arbitration.

**Table 1. Manners of conclusion of justice problems**

| Manner of conclusion if problem is done with | LIC | LMIC | HMIC | HIC | All |
|---|---|---|---|---|---|
| A decision or intervention by a court or a formal authority | 3% | 3% | 3% | 3% | 3.1% |
| Mediation or arbitration | 4% | 2% | 1% | 1% | 1.6% |
| Action by another third party | 2% | 2% | 1% | 1% | 1.2% |
| Agreement between you and the other party | 38% | 35% | 38% | 29% | 34.1% |
| The other party independently doing what you wanted | 12% | 9% | 10% | 14% | 11.2% |
| You independently doing what the other party wanted | 9% | 7% | 6% | 6% | 6.6% |
| The problem sorting itself out | 13% | 17% | 16% | 15% | 15.6% |
| You moving away from the problem (*e.g.*, moving homes, changing jobs) | 5% | 5% | 5% | 8% | 6.1% |
| You and/or all other parties giving up trying to resolve the problem | 3% | 4% | 6% | 9% | 6.1% |
| None of these | 9% | 14% | 12% | 13% | 12.4% |

If ADR is defined more broadly, the data in Table 1 confirm that negotiation is a key process for dispute resolution. Agreement is the most prominent way to conclude problems. Thirty-four percent of problems have been settled by agreement. A further 18% are concluded by one of the disputants doing what the other party asked. Taken together, a negotiation-like interaction between the parties resolved more than half of the problem situations that concluded, and even 60% in countries with lowest incomes.[16]

### *3.2. Possible causes of use or non-use*

Looking for explanations for these usage patterns, one option is that mediation, arbitration, or similar types of dispute resolution services are not available for disputants. Disputants may not know about the possibility of ADR or cannot find a suitable mediation or arbitration service.

Another possible factor is that mediation and arbitration processes are voluntary. Both parties have to agree to use the process and submit to the process the third party will propose. This may not happen because of what has been called the submission problem. Both parties have to agree simultaneously to use this mechanism, which is unlikely to happen for a variety of reasons.[17] Agreeing on a dispute resolution mechanism before the conflict occurs is most likely to happen in a formal contract, which is unlikely to exist in many conflict situations (crime, accidents, family issues, informal work relationships, neighbor issues, land conflicts, debt problems). Mediation or arbitration can be agreed in employment

and consumer contracts, but many countries (EU countries, US) have developed laws or doctrines that regulate ex ante arbitration agreements, because they may refer the complainant to a procedure with limited remedies or fact-finding options.

Agreeing on a conflict resolution mechanism after the conflict has occurred is unlikely because of strategic considerations and/or cognitive biases. Some jurisdictions have responded to this by making mediation mandatory before a court can be addressed for certain types of disputes and a variety of other incentives to consider or use mediation.[18] To what extent these incentives are effective is an area where more data would be helpful.

Negotiation is an intuitive way to resolve a justice problem. Some form of communication between the parties needs to be established, but no meeting of minds to use a particular process is needed. Negotiation requires an initiator who is willing and able to contact the other party and another party who is willing and able to respond in a constructive way.

Legal needs surveys tend to show that around 10% of problem owners lump the problem: they do not take any action on it. Reasons for this are also included in most standard legal needs surveys. A minority of problem owners, for instance, does not take action because of fear of retaliation.

Why the other parties to the dispute fail to respond is not as well defined and less researched. Barriers to entering negotiation may be related to the way organizations handle complaints and the perceived need to consult legal experts before communicating with a potential adversary. Being in denial about the issue, being overburdened by other issues or strategic unresponsiveness are other potential reasons for not engaging.

## 4. Effectiveness of ADR

### *4.1. Criteria for effectiveness*

Assessing what is known about the effectiveness of ADR processes and interventions is difficult. Thousands of evaluation studies have been conducted, but very few pass the standard of randomized controlled trials using standardized criteria allowing comparison that are generally recognized by a community of evaluators.[19]

Perhaps the most common way ADR—and formal legal—processes are evaluated is by asking participants about their satisfaction with the process or with the way they are heard and respected by the neutral. A fundamental weakness of this type of evaluation is that many disputants have few-hard-to-resolve conflicts in their lives, so it is difficult for them to compare the current process with other similar experiences.

Another perspective is taken by research on distance, costs of access, and usability of services.[20] The weakness of this research, which is often commissioned by suppliers in order to convince funders to help scale the services, is that it doesn't relate costs to quality. Traveling for three hours may well be worth the effort if a difficult conflict about ownership of a farm is resolved. Effectiveness of services requires investigation of all substantial benefits and negative effects of using the process.

The Justice Action Coalition, a coalition of 19 governments, international organizations and NGOs, is working on a framework for assessing outcomes and impacts of justice sector interventions (see Box 1 below). In an outcome-focused approach, researchers are likely to investigate the resolution rate and whether the solutions are perceived by the participants, or by an external evaluator, as fair ("just solutions").[21] This can be gauged by indicators of procedural justice and distributive justice that are well tested as meaningful evaluation criteria.[22]

**Box 1. Effectiveness criteria suggested by the Justice Action Coalition**

Measuring efforts are now culminating in a Workstream of the international Justice Action Coalition which is tasked to define outcomes and suggest indicators.[23] Based on initial dialogue and literature research, seven types of effectiveness criteria are likely to be considered.

- Problem resolution status: resolution by an independent, legitimate third party or by agreement; when that decision or agreement is recognized and enforced by all parties; indicators: resolved completely, resolved partially, ongoing, not resolved and no longer taking actions.
- Needs being met: satisfaction; accommodating the user's specific needs to address disparities and level the playing field.[24]
- Prevention: preventing problems, preventing recurrence of disputes.
- Procedural justice: being heard, being able to participate in solutions, respected as a person, able to correct mistakes.
- Substantive justice: subjective fairness and equity of the resolution (distributive justice, restorative justice, retributive justice).
- Costs: time and resources spent on achieving resolution, including costs of advisors and experts. This may also include the costs of unintended side-effects like stress, absence from work, damage to relationships.
- Empowerment: A positive change in people's and communities relation to law.

## *4.2. Outcomes mediated by negotiation and decisions*

In this just solutions approach, monitoring is likely to zoom in on agreements and third-party decisions that are imposed on the disputants. As discussed, these are the main ways to arrive at solutions (*see* Table 1). Adjudication and arbitration are then ways to provide third-party decisions. Mediation, negotiation, and conciliation provide agreed solutions.

The distinction between both ways to resolve disputes is blurring in the paradigm of negotiation in the shadow of the law or litigotiation.[25] In this paradigm, negotiation usually happens with the option of third-party interventions and with the objective criteria provided by social norms and laws in the background. Each party can walk away from the negotiation table and let the court or village elders decide. If no court or other third party with authority to resolve the problem is accessible, the parties negotiate in the shadow of power.[26]

Seen from the perspective of the third party, negotiation is also helpful. A decision is more likely to be complied with if the parties have participated in the decision and/or this decision is acceptable for them, so they do not take further action (*e.g.*, appeals, or attempts to evade the decision). For courts, settlement is less costly than trials and court decisions.

Researchers have asked disputants about their process preferences and the results confirm that negotiation and third-party decisions are linked in their minds. Negotiation, mediation and adjudication all tend to receive positive evaluations.[27] Research into the public perceptions of the settlement process finds that people associate settlements with money, agreed solutions, a substantial role of the third party in deciding outcomes, and assuming responsibility.[28]

## *4.3. Barriers to resolution*

Empirical studies of negotiation processes led to models of integrative and distributive negotiation.[29] Integrative negotiations are modelled as processes leading to win-win outcomes maximizing interests (utility; Pareto and Kaldor Hicks efficiency) and settling distributive issues by objective criteria (social norms, formulas and schedules from the practice of law, third party or expert assessments).[30] Distributive negotiation is the bargaining process regarding money, land, and other assets in dispute.

The difficulties of achieving agreement are well researched empirically and intuitively known by justice practitioners, who now often have additional training in mediation and legal negotiation skills. Building on this research, effective dispute resolution services need to be able to overcome the following main barriers to resolution:[31]

1. Understandable and natural emotions. People who are dependent on other parties for their basic human needs are likely to experience anger and fear about ongoing existential threats, feelings of failure and loss, and worries about the future.

2. Information asymmetry. Different perspectives on needs, on what happened and on what will work in the future are common, influenced by a range of self-serving and cognitive biases.

3. Hard bargaining over distributive issues. Bargaining research has confirmed that over-asking, low offers, delaying, threats to walk away, and ignoring leads to better results. But hard bargaining also increases the probability of impasse and damages relationships.[32]

4. Abuse of power. Besides hard bargaining over distributive issues, a powerful party may also use threats to weaken the other party's position. More powerful (less dependent) parties can impose a settlement.[33]

5. Different beliefs and social norms about fair and effective relationships. For example, people may have a preference for needs, for proportionality, for authority or for harmony in the group as a basic underlying justice principle for objective criteria.[34]

The extent to which interventions work to overcome these barriers is less clear. A useful distinction is between interventions that increase the probability of finding win-win improvements and interventions that help settle distributive issues—in dispute resolution lingo: interventions for increasing the pie and for splitting the pie.

## *4.4. Interventions contributing to win-win improvements: evidence-based practice*

A vast literature exists that hypothesizes interventions used in mediation and integrative negotiation as more or less effective.[35] Active listening, focusing on interests, avoiding or reframing blaming and defensiveness, and jointly identifying possible solutions are generally recommended.

Many experts report a lack of data on the actual effects of interventions.[36] Besides the unmet demand for generally accepted effectiveness criteria, an additional challenge is that an actual dispute resolution process is a complicated interaction. It consists of many phases, attempts to communicate, issues to be addressed, questions to be answered, ways of summarizing answers, asking follow-up questions, analyzing evidence, reactions to emotions and interactions, suggestions about solutions, and many more types of verbal and non-verbal communication that may all have an impact on the results. Some interventions and types of data are appropriate for land conflicts but may be counterproductive for domestic violence cases. Some interventions may work under specific conditions or in specific relationships, but not in others.

One way to address this knowledge gap is to use the PICO-GRADE method for supporting evidence-based practice that has been developed in the health care and social services sectors. The essence of this method is to compare two plausible interventions (Population, Intervention, Comparator, Outcome) and to report evidence on the effects of these interventions, as well as the strength of this evidence (Grading of Recommendations Assessment, Development, and Evaluation).[37] For instance, mandatory mediation is reported to lead to slightly lower resolution rates than voluntary mediation, but is likely to bring many more disputants to the table than voluntary mediation so the overall resolution rate is likely to increase.[38] This can lead to a recommendation to consider mandatory mediation, accompanied by a qualification of the strength of the evidence by independent experts.

## *4.5. Interventions contributing to settling distributive issues*

Hard bargaining, abuse of power, and differences in beliefs about fairness can be addressed by delivering objective criteria and by the option of a third-party decision. The option of asking a third party to decide the open issues is an essential guarantee for a just agreement. This is why low-cost access to a court or another neutral authority—access to justice in a narrow sense—is seen as a crucial element of the rule of law. A credible option (threat) of a neutral decision with a high probability of compliance is essential for achieving just agreements.

Empirical research has revealed how experienced negotiators operate in the shadow of adjudication by a court and use a court or arbitral decision as an exit option (also BATNA, Best Alternative to Negotiated Agreement) if negotiations

fail.[39] This research revealed that legal negotiations are then likely to mimic adversarial court procedures, which may decrease the likelihood of resolution and the experience of procedural justice.[40] Developing and testing better ways for third-party decision makers to influence and join the (integrative) negotiation process is therefore a promising area for additional ADR research.

Settling distributive issues is also thought to be facilitated by objective criteria: formulas for fair settlements, schedules, tables and other norms for splitting the pie.[41] Objective criteria reveal to disputants how similar disputes have been settled by others: the level of nuisance one should accept, the amount of severance pay, child support, or the length of a prison sentence. They can be seen as concrete applications of general ideas about fairness in specific relationships, which are informed by the vast body of empirical research on distributive justice, retributive justice, and restorative justice.[42]

How these formulas and guidelines develop in practice and how development can be organized has also been investigated. Systematically improving and refining objective criteria for the most common and frequent disputes can contribute to the effectiveness of ADR and is another promising field for further data collection.[43]

## 5. Promising directions for further research

### *5.1. Integration of ADR interventions in court processes*

As would be expected from attempts to improve on court procedures, ADR interventions are also applied in the context of court and tribunal procedures, as well as administrative procedures.[44] Judges may act as judicial mediators.[45] Problem-solving courts are applying a range of ADR processes. Plea-bargaining, online dispute resolution, settlement conferences, and mandatory mediation phases can be seen as ADR elements that are integrated in court procedures.

The interlinkages between negotiation and third-party decisions by courts (or other authorities) illustrate the need for more research on effective integration of court procedures and elements of ADR. What are the conditions under which integration improves resolution rates, (procedural) fairness and other desirable outcomes? How can courts systematically provide the option of a neutral third-party decision, suitable objective criteria, the interventions likely to improve exchange of information and what is needed to cope with strong emotions? How can these dispute resolution interventions be integrated with applying laws to claims and defenses or pursuing other agreed objectives for the activities of courts? The effectiveness of courts on their own terms, which is often questioned, may be enhanced by improving integration of case management and alternative dispute resolution.[46]

### *5.2. Seamless resolution pathways*

Another angle for this type of research and development is that disputants are likely to prefer seamless pathways to resolution.[47] A one stop shop, where a person seeking justice can get information and advice, assisted negotiation and a decision if negotiation fails, may also benefit from economies of scale.

Examples of seamless pathways can be found in specialized ADR and tribunal services. They have been proposed as a model for online courts, enhanced with online dispute resolution.[48] Seamless ADRs have achieved resolution through agreement rates of incoming cases as high as 85%.[49] They build on the premise that services delivering just solutions should be timely, targeted, trustworthy and transparent, with regulatory environments supporting this.[50]

### *5.3. Accountability and ownership of ADRs*

This is related to the additional knowledge of how to best supervise and strengthen ADRs. In most countries, there seems to be no clear allocation of responsibilities for effective dispute resolution mechanisms. Ministries of Justice or officials in the judicial system operate courts and may be involved in ADR pilots or court-connected mediation. ADR systems operated by industries of companies may lead to binding awards or agreements under a contract with employees, consumers, tenants, or other individuals.

Whether these ADRs deliver fair processes and outcomes is not monitored systematically.[51] Systems operated by private providers risk being structurally biased towards industry interests in a similar way as informal justice systems may protect the vested interests of powerful local actors. One way to increase fairness of these systems is a prohibition of

consumer contracts that exclude the jurisdiction of formal courts, ensuring that consumers have a choice between the protection of the ADR system and the formal court.[52]

Many countries have laws that recognize informal justice systems and set quality criteria for them. The EU has set up a certification system for ADRs that invites member states to provide quality criteria and reporting requirements regarding effectiveness, scale, and sustainability.[53] Several jurisdictions (Utah, England, and Wales) also operate a certification system for legal services that could be expanded in the direction of ADRs.

## *5.4. Scalability and sustainability*

The most urgent gap in knowledge is related to the siloed and scattered ADR landscape. To what extent can ADR processes be scaled and delivered in a sustainable way? Is an intervention adaptable to new contexts, crossing jurisdictional borders? Is experimentation and learning guaranteed, benefiting from what has been found to be effective in other jurisdictions?

Is funding sustainable, by fees for service or otherwise? Can the justice workers, IT-providers and leaders operating the system be found and retained? Is there sufficient support by actors in the enabling environments, including legal professionals, politicians and the public?[54]

In order to achieve economies of scale and achieve meaningful access to justice for all, the framework for assessing dispute resolution interventions should also be able to compare scalability and sustainability.

## *5.5. Development and other societal outcomes*

The mission of the Justice Data Observatory is to investigate how people-centered access to justice can combat poverty and inequality, promote inclusive development and growth, and empower democratic participation and governance. The preceding paragraphs shed some light on the way ADR processes, as one way to deliver people-centered justice, can contribute to these macro-economic and social objectives. Table 2 gives an impression of the number of justice problems societies have to solve and the issues that are disputed. The issues strongly suggest that resolving justice problems fairly is a direct, inclusive way to address problems related to basic human needs and thus to poverty and productivity of economies.

ADR processes, if well designed, scalable, and sustainable, can deliver agreements and decisions that reflect win-win solutions with fair distribution of money, land, responsibilities, and other goods in dispute. Increasing the pie in the most frequent and urgent disputes helps people to recover from accidents, stabilizes their residency status, and improves the use of community and natural resources. It can increase the quality of consumer goods, the productivity of relationships at work, and ensure access to education. The quality of family life, housing arrangements, and land use can be improved. Law enforcement, money and debt management, and public services can be improved, whilst avoiding negative side effects like the ones from excessive imprisonment, in processes that are more inclusive.

**Table 2. Prevalence of justice problems in 2 years per million of population[55]**

| Problem type | Lower income countries | Lower middle income | Higher middle income | High income countries | World (100 countries) |
|---|---|---|---|---|---|
| Accidental Illness & Injury | 34.000 | 20,000 | 23,000 | 58,000 | 36,000 |
| Citizenship & ID | 74.,000 | 73,000 | 37,000 | 42,000 | 53,000 |
| Community & Natural Resources | 137,000 | 112,000 | 70,000 | 88,000 | 97,000 |
| Consumer | 322,000 | 189,000 | 196,000 | 252,000 | 230,000 |
| Employment | 72,000 | 47,000 | 66,000 | 115,000 | 78,000 |
| Education | 58,000 | 32,000 | 41,000 | 69,000 | 50,000 |
| Family | 113,000 | 65,000 | 69,000 | 111,000 | 88,000 |
| Housing | 142,000 | 115,000 | 132,000 | 250,000 | 169,000 |
| Land | 159,000 | 85,000 | 82,000 | 92,000 | 96,000 |
| Law Enforcement | 26,000 | 12,000 | 8,000 | 15,000 | 14,000 |
| Money and Debt | 123,000 | 85,000 | 119,000 | 212,000 | 142,000 |
| Public Services | 92,000 | 70,000 | 81,000 | 161,000 | 107,000 |
| **Problem incidence** | 595,000 | 416,000 | 408,000 | 535,000 | 478,000 |

Alternative dispute resolution by definition and by its nature focuses on achieving these outcomes that are highly valued by people seeking access to justice. ADR is likely to be superior in achieving their objectives than traditional court procedures, insofar as ADR is guided by people's interests and needs rather than by sanctioning disobedience of rules. That is also why ADR has been proposed in the first place.

## 6. Concluding remarks on priorities

What do we know and what don't we know about ADR? What additional data are needed, and how should research be organized?

Many decades of evaluation studies and interdisciplinary research have delivered a messy field. ADR consists of all dispute resolution that is not a court process. Yet most ADRs focus on facilitating agreements and third-party decisions, which is also the core business of lawyers and courts. Every jurisdiction has their own patchwork of ADR.

Which processes and interventions work is a matter of informed guesses. Many of these guesses have been tested in labs, in pilot evaluations, or on the basis of dispute resolution theories. But these results are hardly used and shared outside their contexts. This is related to jurisdictions being small and ADRs operating on a small scale. The field would benefit from a shared body of knowledge that enables governments, private ADR providers, and donors to invest in ADR that is effective, scalable, and sustainable.

One essential move to improve this state of affairs would be that the field creates agreed standards for evaluating processes and interventions. Adding more research and data to the current messy stack of knowledge is unlikely to lead to useful insights on effective, scalable, and sustainable ADR. Scalability, sustainability, and integration of dispute resolution processes—alternatives and court procedures—is another knowledge gap, which includes the ways dispute resolution systems are monitored and accounted for. Scaled and research-informed, evidence-based practices are also key to achieving macro-economic and social objectives.

In sum, a promising way forward would be an investment in the way knowledge is gathered, made available and used by the supervisors and owners of ADR systems. As we have seen, many reviewers of ADR evidence have come to similar conclusions.

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