

## **The Role of Psychology and Innovation in Alternative Dispute Resolution in Ghana**

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### **Abstract**

The purpose of the study was to examine the role of psychology and innovation in alternative Dispute Resolution in Ghana. The study employed the qualitative approach and the phenomenology design. The purposive sampling technique was used to select 16 participants from the Ghana National Association of ADR Practitioners (GNAAP), the Ghana Association of Certified Mediators and Arbitrators (GHACMA) and the ADR Directorate of the Judicial Service. The study used semi-structured interviews and thematic analysis to gather and analyse the data, respectively. The results affirm that the psychological principles of empathy, emotional understanding, and recognizing biases, and other practices such as active listening, clear communication, and cultural sensitivity are the driving forces behind the ADR practices in Ghana. These psychological skills help ADR practitioners to obtain trust, regulate emotions, and provide lasting solutions to disputes. In addition, the Ghanaian ADR process is gradually integrating innovations as the mediators digitize their communication, record-keeping, and even outreach, as well as develop their skills online. Thus, the role of innovation in the ADR process can be described as gradual but steady. The gradual integration of innovation is indicative that the ADR process is becoming less cumbersome, more transparent, and quicker. The study

concludes by making recommendations to aid ADR practitioners on how to effectively utilize innovation and psychology to enhance ADR practice in Ghana.

**Keywords:** Alternative dispute resolution, Dispute, Innovation, Psychology, Technology

### **Introduction**

Conflict is a very likely occurrence between individuals, organizations, or societies due to the presence of differences in needs, values, perceptions, and interests (Lu and Wang, 2017). When disputes are unavoidable, courts or the judiciary must nonetheless address and resolve them through various resolution mechanisms (Alberstein, 2017). Alternative Dispute Resolution (ADR) methods have been increasingly favored for managing disagreements and disputes. Mashood (2024) noted that the dispute resolution system in Ghana came under immense pressure due to rapid expansion and industrialization. This prompted the need for a law that would formalize and centralize ADR in Ghana.

Alternative Dispute Resolution, sometimes referred to as “informal justice” or “privatization of judicial proceedings,” is described by Uwazie (2011) as “consisting of a set of mediation processes for resolving conflicts that are connected with but independent of formal court adjudication processes.” The concept seems to limit ADR to mediation processes alone; however, other mechanisms exist, such as arbitration, interest-based bargaining, conciliation, facilitation, and court-annexed ADR. According to Wychreschuk and Boland (2000), the phrase 'alternative dispute resolution' or ADR refers to a broad range of dispute resolution methods outside comprehensive court procedures. The term covers a spectrum of processes, from facilitated settlement discussions promoting direct communication between parties before any litigation, to arbitration schemes or mini-trials that parallel courtroom procedures (Appiagyei-Atua, 2013).

Ghana implemented a comprehensive Alternative Dispute Resolution (ADR) system in 2010 to improve access to justice and enhance judicial processes as established by the Alternative Dispute Act 798, 2010 (Nolan-Haley and Annor-Ohene, 2014). The preamble to Act 798 provides three (3) methods of ADR. These include: Arbitration, Mediation, and Customary arbitration; however, for clarity, mediation may be used interchangeably with ADR, and mediators may be used to represent ADR practitioners in this study. The legislation of the ADR system has incorporated several significant components into the justice mechanism, including the functioning of the traditional customary ADR procedure alongside the formal legal justice system (Appiagyei-Atua, 2013). Consequently, mediation and conventional arbitration have become essential components of the civil court system. The Alternative Dispute Resolution Act of Ghana, 2010, Act 798, applies to issues excluding those on: (a) the national or public interest; (b) the environment; (c) the enforcement and interpretation of the Constitution; or (d) any other matter that by law cannot be settled by an alternative dispute resolution method (Mashood, 2024).

Some studies have found majority of Ghanaians are unaware of the various ADR processes. The majority of Ghanaians are aware of negotiations and sometimes arbitration, and use them often to resolve disputes. The other techniques – mediation, conciliation, med-arb, mini-trial, and court-ordered arbitration and case evaluation – are entirely unknown to most Ghanaians. Some of the ADR principles, especially mediation, conciliation, and mini-trial, are practiced in our traditional settings in areas such as the chieftaincy and educational institutions, offices, families, and even among friends. (Boateng and Darkwa, 2021; Amoa-Abban, 2017; Amasah et al., 2015). Unlike the formal courts or judicial process, ADR focuses on flexibility, confidentiality, mutual understanding, and the maintenance of relationships (Amasah et al., 2015). In effect, ADR seeks to ensure a win-win outcome rather than fix blame for wrongdoing, thereby promoting harmony and sustainable justice in society. ADR is not a novelty (Amoa-Abban, 2017). It has been the main means of dispute resolution among pre-colonial societies. Archaeologists have discovered evidence of the use of ADR processes in the ancient civilizations of Egypt, Mesopotamia, and Assyria (Hassan and Malik, 2020). It can be argued that many of the modern methods of ADR are not modern alternatives, but merely a return to earlier ways of dealing with such disputes in traditional societies. However, contemporary issues such as psychology and innovations may have a significant role in the ADR services.

Psychology is one of the major factors that influences the dispute resolution process, such as ADR. Duffy (2010) suggested that psychological factors such as emotions, underpin so many aspects of conflict. Williams and Hinshaw (2018) also argued that one of the challenges every mediator faces is how best to address psychological factors such as emotions and empathy in a mediation. Mediation specialists assert that intense emotions are a crucial element of the conflict experience (Jones 2001; Frenkel and Stark 2012). Emotions influence our physiological responses (heart rate, bodily functions), temperature, cognition, and behavior. Consequently, emotions may serve as psychological impediments to resolution (Frenkel and Stark 2012). Emotions, meanwhile, can also promote consensus (Adler, Rosen, and Silverstein, 1998). Consequently, proficiency in comprehending emotions and their expressions can assist mediators in recognizing fundamental interests, maintaining a constructive dialogue, and directing parties towards resolution. The foregoing underscores the importance of exploring how psychology plays a role in ADR in Ghana. The psychological dynamics of perception, motivation, empathy, emotional intelligence, and personality in relations can define how the disputants communicate, negotiate, and reach agreements. Thus, it is important that psychology is infused into ADR, both the process and outcome of conflict resolution are enhanced: resolutions are not only legally sound but also emotionally and socially satisfying.

Further, the rapid advancement in innovation and technology also played a significant role in the social change. Similarly, the significant influence of information technology innovations on dispute resolution has facilitated its use in settling disputes regardless of the disputing parties' locations or the forum of origin (Larson, 2006). This has led to the emergence of the notion termed “technology-mediated dispute resolution” (TMDR). TMDR typically denotes dispute resolution mechanisms that employ information technologies or web-based platforms to aid in the resolution of conflicts (Orji, 2012). Consequently, TMDR primarily employs various web-

based communication tools, including emails, online chat, video conferencing, and teleimmersion, along with other advanced electronic communication devices such as telephones, to address disputes through either alternative dispute resolution or conventional judicial processes. This study suggests that innovation and technology may also play a significant role in the ADR process in Ghana.

Based on the discussion in the preceding paragraphs, it is significant to understand the role of psychology and innovation in ADR in Ghana. However, existing studies have not provided evidence in this regard. Studies, such as Appiagyei-Atua (2013), have examined the implications of ADR on women's access to justice in Ghana. It was observed that the introduction of ADR has helped women to obtain greater access to some form of justice. However, some of the inherent weaknesses located in the formal justice system remain embedded in the ADR process, thereby hindering women from reaping the full rewards of the ADR mechanism (Appiagyei-Atua, 2013). The study, however, did not provide knowledge on how psychology or innovation influences the ADR process. In complementing Appiagyei-Atua (2013), it is argued that the introduction of psychology and innovation can enhance the access and convenience of ADR service, which may promote women's access to justice in Ghana. Therefore, there is a need to examine how these phenomena play in ADR in Ghana. Amasah et al. (2015) also explored the challenges and opportunities of ADR services in Ghana. Amoa-Abban (2017) investigated the various ADR methods that are used in the Ghanaian construction industry and how they contribute effectively towards the settlement of disputes. There is a gap in the literature on the role of psychology and innovations in ADR practice in Ghana. This study, therefore, fills this gap by examining the role of psychology and innovation in ADR practice in Ghana.

## **Research Methods and Materials**

### **Research Approach**

The investigation resorted to a qualitative research approach. This approach is suitable for the examination of the psychological and innovative factors of Alternative Dispute Resolution (ADR) in Ghana (Hollstein, 2011). The qualitative approach was used because of the exploratory nature of the study (Hollstein, 2011). It helped the researchers to explore and obtain an in-depth understanding of the subject matter from the perspectives of mediators, facilitators, and ADR practitioners. The approach allowed the researchers to examine the role of psychological principles such as empathy, active listening, and emotional understanding in mediation outcomes and how innovations influence the ADR practice in Ghana. This approach allowed the researcher to derive meanings, values, and motivations that could not be obtained quantitative approach (Brodsky et al., 2016).

### **Research Design**

The research employed the phenomenological design. The phenomenological design was used because the study was interested in revealing the lived experiences of the ADR practitioners in Ghana (Groenewald, 2004). With this design, the study was able to reveal the thoughts and feelings of ADR practitioners concerning psychological processes and technological changes in

their daily practice. The focus of the study was then placed on the subjective experiences and interpretations of mediators on how psychology and innovation help in dealing with the disputants (Cypress, 2018). The choice of a phenomenological approach guaranteed that the participants' opinions were central to the study, thus leading to the emergence of real narratives.

### Population of the Study

The population for the study was made up of certified mediators, arbitrators, and ADR coordinators working in recognized ADR centers, the Judicial Service of Ghana, and private mediation firms. The selected practitioners were associated with professional bodies, including the Ghana National Association of ADR Practitioners (GNAAP), the Ghana Association of Certified Mediators and Arbitrators (GHACMA) and the ADR Directorate of the Judicial Service. This population was justified since these professionals have firsthand knowledge of using psychological and innovative strategies in ADR processes.

### Sample Size and Sampling Technique

The total number of chosen participants in the study was 16. The data saturation principle was used to determine the size of the sample size. In this sense, the researchers continued to gather data from additional participants until the case when the new interviews brought no additional insights or themes.

The purposive sampling technique was used to select the participants. By using the purposive sampling technique, the researcher visited the offices of the Ghana National Association of ADR Practitioners (GNAAP), the Ghana Association of Certified Mediators and Arbitrators (GHACMA) and the ADR Directorate of the Judicial Service to seek permission and to interact with their members. After the permission to conduct this study at their premises and with their members was granted, the researcher requested the details of all ADR practitioners who worked with these institutions. A total of 102 names were obtained; however, 37 had worked for less than 3 years and, as such, did not meet the inclusion criteria for the study. The selection criteria included a minimum of three years of active practice in ADR and participation in cases that required psychological engagement or the use of innovative tools in dispute resolution. The researchers sent invitations to the remaining 65 who were invited through emails and phone calls. 62 individuals were reached, and 3 could not be reached after several attempts. Of the 62, 51 representing 79% accepted to participate in the study. The researcher then scheduled interview dates with the participants on days convenient for them. The researcher interviewed 16 participants as data saturation was reached, and no additional themes were emerging from the new interviews conducted. The researchers selected only the participants who had the required knowledge and experience in mediation, arbitration, or ADR coordination. This sampling technique allowed the researcher to obtain rich, contextually grounded information from the persons who were most knowledgeable about the topic.

The details of the participants in shown in Table 1.

<b>Variable</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Gender</b>		
Male	9	56.25%
Female	7	43.75%
<b>Age</b>		
25 – 35	3	18.75%
36 – 45	7	43.75%
46 - 55	4	25%
Above 55	2	12.5%
<b>Educational level</b>		
Bachelor’s degree	7	43.75%
Master’s degree	2	12.5%
PhD	1	6.25%
ADR professional certificate	6	37.5%
<b>Years of experience in ADR practice</b>		
3 – 5	7	43.75%
6 – 10	6	37.5%
More than 10 years	3	18.75%
<b>Total</b>	<b>16</b>	<b>100%</b>

Source: Field Data (2025)

**Data Collection Tools and Process**

The principal method of data collection was semi-structured interviews. The semi-structured interview was used because it gives flexibility to participants to express their views while at the same time ensuring consistency in the main thematic areas (Adeoye-Olatunde and Olenik, 2021). The interview guide was developed according to the study objectives, which focused on (1) the role of psychology in ADR and (2) the contribution of innovations and technology to ADR practice.

The data collection process lasted for seven (7) weeks due to the busy schedules of the participants who agreed to participate in the study. The researcher had rescheduled the interview date with these participants as they were always occupied with other official duties during the times previously scheduled for the study. It was significant for the data to be rescheduled so the data collection would not interrupt the official duties of the participants. Each interview lasted about 45 to 60 minutes. The interview took place either in-person or online via Zoom or WhatsApp calls based on the participants' availability and preference. 11 of the participants were interviewed through face-to-face at their workplace, and 1 was interviewed at their home on a weekend. The remaining four (4) interviews were conducted through virtual mode, specifically, 3 of the online interviews were done on Zoom, and one through WhatsApp video call. The interviewer sought the consent of the participants to record the interview with an audio recording device. The recorded interview was supplemented by the written field notes that captured the

non-verbal cues and the context. In addition, the researcher reviewed secondary documents such as ADR training manuals, policy briefs, and official reports to supplement the primary data.

### **Data Analysis**

The data collected were subjected to thematic analysis. The analysis used Braun and Clarke's (2006) six steps: familiarization with data, generation of pilot codes, seeking themes, examination of themes, characterization and labeling themes, and generation of a final report. Interview data were coded manually and with the help of NVivo software for ease in systematic filing and data retrieval. Themes were developed alongside repeating ideas and patterns that were associated with psychological factors (such as empathy, emotional regulation, active listening) and innovations (i.e., digital communication, data management, public sensitization). The important interpretations were supported by using direct quotes from the participants, thus making sure that the findings were based on the participants' experiences. The participants were identified with numbers and the year the interview was conducted. Also, throughout the presentation of the findings, the researchers used the term “mediator” to refer to the participants. It is noteworthy for readers that “mediator” is used for the participants irrespective of whether they engage in arbitration, mediation, or any other form of ADR approaches.

### **Findings**

The role of psychology in ADR

#### *Empathy and Emotional Understanding in Mediation*

The analysis of the data showed that the majority of the participants, 15, represented by 93.8% recognized empathy as the foremost psychological tool used in ADR. Participants pointed out that the success of the mediation process was more than just having the legal or procedural knowledge. It also demanded that the mediator empathize with the emotional realities of the disputants. In that case, empathy was often viewed as the link that changes the whole situation from one of mistrust to one of trust.

One of the mediators described emotional understanding as the factor that draws people to the dialogue:

*“Sometimes it’s not about who is right or wrong; it’s about helping them feel understood. Once people sense that you care about what they are going through, they calm down and start to reason.”* [Participant 3, 2025].

Another participant stated that an empathic approach enables mediators to turn impossible situations into manageable ones:

*“People come to mediation angry and defensive. But when you show that you understand their feelings, it softens them. They begin to see you as a neutral helper rather than another authority figure.”* [Participant 14, 2025].

This emotional connection was mentioned frequently as being like a safe space where the parties could talk about their pain, anger, or disappointment without fear of being judged. In the words of one respondent,

*“Empathy helps us humanize the process. When they see that we are not just ticking boxes but truly listening, they start to open up.”* [Participant 19, 2025].

These responses by the participants suggest that the roles of empathy and emotional understanding are two-fold. In the first place, it reduces emotional tension and, secondly, creates a conducive environment for negotiation. The mediators regarded these psychological skills as necessary. They view these skills as integral to the process of achieving meaningful and sustainable resolution.

### *Communication and Active Listening Skills*

The study also found that communication and active listening skills were essential psychological tools used in the ADR process. The participants revealed that they consciously employ clear communication and attentive listening of the participants in the mediation process. The majority of the participants pointed out that disputes are usually longer, not due to the content of the conflict, but rather because the parties involved in the disputes feel misunderstood. They stressed that communication in the mediation process hinges on speaking clearly and attentive listening. One of the mediators had this to say;

*“I observe the rule of no interrupting when I listen. I allow both sides to go to the end with their arguments, even if they stray a bit from the topic. This act alone makes them feel that their opinions are valued, and most of the time, you will find the root cause in what they say through the lines.”* [Participant 4, 2025].

Most of the participants affirmed that active listening permits mediators to notice hidden and unspoken feelings, fears, and needs that are the source of conflict. The study finds that active listening helps mediators to lead the disputants to discover their own thoughts by asking the right questions and rephrasing. One of them stated,

*“When I reword what they said, it makes them think. Occasionally, they are aware of their own contradictions, and that is when we make progress in the mediation process.”* [Participant 2, 2025].

Cultural sensitivity was another point of good communication that a few respondents brought up. They stated that in the case of the Ghanaian, the tone of voice and the physical presence were as significant as the words in the mediation process. One of them said,

*“The manner of speaking is essential. You have to exhibit humbleness and patience, especially with older people. A slight change in tone could lock the conversation up even before it is started.”* [Participant 10, 2025].

Thus, communication and active listening are regarded as intentional and skillful acts that create understanding between the parties. These mediators' capacity to listen to each other deeply and

respond wisely is what changes ADR from being a mere procedure to a significant human interaction.

### *Cognitive Bias Awareness*

One of the key values of the psychological experience derived from the interviews was the mediators' awareness of cognitive biases. Cognitive bias is used in this context to refer to the subtle ways in which people's experiences, feelings, and beliefs can affect their decisions and judgements. 13 of the interviewees accepted that impartiality in mediation necessitates constant self-examination and emotional control. They stated that the acknowledgment of one's biases is not a weak point at all, but rather a professional quality. One of the participants said this,

*“Having different perspectives is a part of being human. There might be times when you unknowingly tilt your position a bit towards one side, especially if their narrative seems more rational. But as a mediator, it is your duty to often assess yourself and realize your biases so in order not to be partial and remain neutral in the process. [Participant 14, 2025].*

Another participant commented on how bias can unconsciously affect the mediator and the individuals in conflict. This is what the participant said.

*“People often come with their minds made up. Sometimes, a party involved in the dispute may already think the other party is guilty. So they come to the mediation process with the mindset that they need to be declared as innocent or victorious at the end of the process and that the other party is guilty. So as the mediator, I sometimes have to create a process that helps them to question their assumptions and see things differently.” [Participant 12, 2025].*

Further, one of the participants indicated that being aware of cognitive biases alone is not enough; deliberate effort is needed to stay impartial. He noted this,

*“Sympathy for one party is likely to occur, particularly when feelings are involved. However, I keep on reminding myself: my function is to direct, not to pass judgment.” [Participant 11, 2025].*

Another mediator told of how even bias might come from the area of culture or gender:

*“Sometimes it is the community norms that direct us to conclude that one gender or social class is always wrong. I’ve had to give up some of those biases to really be fair.” [Participant 11, 2025].*

The awareness of cognitive biases acts as a silent yet powerful force behind the ADR practice in Ghana. The mediators likened it to a daily exercise in mindfulness. It manifests as an unending process of criticism of one’s involuntary reactions to maintain justice.

### *Conflict Personality Dynamics*

The participants of the study stressed that the mediation process in different cases is never the same, as every disputant is different with regard to his or her personality and emotional style. It

was viewed that among the personality dynamics, understanding the mediators' psychological skill is the one that separates the effective mediators from the procedural ones. The mediators similarly stated that knowing if the person is assertive, withdrawn, defensive, or emotional is key to picking the right approach with the communication and timing for the discussion. A participant shared this experience very graphically:

*"Some of the disputants that I have encountered talk endlessly, while others prefer to remain quiet and not participate at all. So I need to be able to know the atmosphere of the meeting or the process and select which approaches would be effective. If you apply too much pressure on the quiet ones, they will not participate at all."* [Participant 8, 2025].

Another mediator said that flexibility is the reason for adaptability:

*"I've come to realize that mediation cannot be tailored to only one model. With certain individuals, you have to be strict to maintain focus; with others, patience and understanding are required to move them along."* [Participant 6, 2025].

One of the respondents also told about a case which was really a challenge for the mediator at that time, and that was the issue of personality awareness, which could have turned the mediation process a different way:

*"There were two brothers involved in the dispute between them. One of the brothers had an irritable disposition, while the other was calm but proud. I had to take the different styles and let the calm one speak first to reduce the tension before turning to the louder one."* [Participant 4, 2025].

Moreover, several participants admitted that the comprehension of the personality dynamics is not limited to the outer behavior only, but this is a matter of emotional cues and the interpretation of cultural influences. According to one mediator:

*"In the case of Ghana, respect and ego are some of the factors that determine and play a big role in interpersonal relationships. You have to vary the strength of your voice in your argument with respect so that no one feels that he or she has been humiliated."* [Participant 2, 2025].

These testimonies reveal that mediators do not only focus on the application of laws. Mediators consider personality awareness as a necessary psychological compass that always guides the process.

### *Psychological Safety and Trust Building*

Mediators across various interviews noted that the establishment of psychological safety is necessary for fruitful mediation. Psychological safety, as used, refers to an environment in which the parties to the dispute are respected, listened to, and feel secure emotionally. The participants pointed out that without trust, even the best negotiation techniques will go in vain. One mediator described this whole process as "enabling people to be so safe that they cannot but be honest". One mediator stated it very simply but with great power:

*“The people involved in the dispute would not be willing to tell you the truth if they did not have trust in you. And without truth, there is nothing to mediate.”*  
[Participant 9, 2025].

An alternate respondent pointed out that the trust-building process begins even before the actual dialogue takes place:

*“The first few minutes are extremely significant. Your voice tone, your body language, and even the way you greet them are significant in the initial process because these things indicate to them whether or not they are in a safe place. It shows them whether they can trust you or not.”* [Participant 10, 2025].

In a different case, one mediator emphasized the importance of reassurance in getting the parties to remain in the process:

*“Sometimes you need to keep reminding them that you are not there to support one side. I always say, ‘I am here for both of you, not against any of you.’ Just this makes people less tense.”* [Participant 13, 2025].

Other mediators referred to giving respect and maintaining confidentiality while they built trust. One respondent said,

*“Confidentiality plays a significant role in the process. The parties involved would not cooperate in the mediation process if they learn that you revealed something they told you privately. Time and effort to build trust can be lost in an instant.”* [Participant 7, 2025].

The different narratives brought out that psychological safety and trust are very practical and emotional tools that mediate the success of ADR. The participants regarded trust as the unseen bond that maintains the mediation process. It allows the parties to be open, to hear each other, and finally, to reach a true resolution.

### **The role of innovation in ADR practice**

#### *The integration of digital communication tools*

The interview revealed that digital communications tools are incorporated in the ADR process in Ghana. Participants narrated how technology has slowly but surely entered into the ADR practice in Ghana. According to them, COVID-19 made virtual communication the only option for interacting with disputants. Though the country does not have an official “online ADR platform,” digital tools like Zoom, WhatsApp, and phone calls are becoming the main means of interaction among mediators, disputants, and witnesses. They indicated that those digital tools are making mediation relatively easier and open to more people, especially to those who are in remote areas and those with busy schedules. One of the participants mentioned:

*“Not that there is a formal online system for ADR, but I have been using WhatsApp calls as a way of following up or even to solve minor*

*misunderstandings when the parties are not able to meet face to face.”*  
[Participant 6, 2025].

A participant explained the positive impact of digital tools in the ADR process. This is what he said;

*“It is quite difficult to bring the parties together for a face-to-face meeting or interaction, especially when they are located in different parts of the country. So sometimes we proceed through virtual meetings instead of waiting for weeks.”*  
[Participant 5, 2025].

A participant also shared that the whole world has gone through a change during and after the COVID-19 pandemic and that even mediators have to be creative in their usage of tools:

*“COVID forced us to be resourceful with our tools—Zoom, phone calls, and even texts. It is not always ideal, but it is workable for easier cases.”* [Participant 11, 2025].

The majority of the participants regarded these tools as helping to pave the way for the coming digitized ADR system in the future. They acknowledged that, even though Ghana does not have an officially structured online dispute resolution platform, the phasing in of communication technology is making the practice of mediation more efficient, accessible, and flexible.

#### *Use of technology for record keeping and data management*

The participants expressed that they make use of technology and innovations such as Excel, Google Drive, cloud storage, and scanning apps for record keeping and data management. It was discovered that even though manual filing systems are still widely used by many practitioners, the basic computer and mobile technology adoption is becoming a common practice. According to them, the use of these innovations has made case management more organized, transparent, and secure. One participant illustrated the role of these technologies in the facilitation of the daily work:

*“I keep my records in Excel and back them up on Google Drive. It helps me track case dates, parties involved, and the stage of each mediation.”* [Participant 10, 2025].

A mediator informed about a user-friendly tech adaptation:

*“Paper documents are scanned using mobile phone scanners like CamScanner, and the soft copies are stored in a flash drive or cloud. It is easier to access and share them when needed.”* [Participant 14, 2025].

The use of email systems and WhatsApp chats was also mentioned as a common practice among the participants regarding documentation and communication. For example, some mediators, after reaching an agreement, share digital copies of the settlement forms or remind the parties through messaging platforms. One respondent stated that,

*“When parties agree on something, I send them a scanned copy of the document via email or WhatsApp. That way, everyone has a record, and it is traceable.”*  
[Participant 4, 2025].

Others also narrated that the application of some data protection measures, like the use of passwords for digital files or storing sensitive documents in encrypted folders, is a simple way to secure their information. A participant said,

*“We don’t have a centralized digital database yet, but we try to secure what we have by locking our files and storing backups online.”* [Participant 1, 2025].

The participants were in consensus that although the Ghanaian ADR sector is still in the early stages of having sophisticated case management software similar to that found in the West, the innovative application of the readily available technologies, such as laptops, mobile phones, USB drives, and cloud storage, marks a significant step forward. It shows a movement towards efficiency, professionalism, and accountability in a system that is still gradually changing to a fully digital transformation.

#### *Public Sensitization through Media Platforms*

It also emerged that the ADR institutions utilize innovative communication technologies to increase public awareness of ADR services in Ghana. The participants said that up to now, a large number of Ghanaians still see the court as the only legitimate way of resolving their disputes, hence the government and ADR institutions raise the awareness of ADR through radio, television, and social media as a peaceful, accessible, and cheap alternative.

The majority of the participants were unanimous in their opinion that radio is the common medium used by ADR practitioners to reach out to the public, particularly in rural and peri-urban areas. One of the mediators narrated,

*“Sometimes we go to the radio stations to educate the people and create awareness of the ADR services. Many who call us say they did not know it was possible to settle family or land disputes out of court.”* [Participant 14, 2025].

People mentioned the impact of growing demand for television talk shows and guest interviews, which are equipped with the demonstration of mediation scenarios visually. One participant remarked,

*“When people see mediators on the screen explaining the process, it gives them confidence. They begin to think that ADR is meant not just for lawyers but for everybody.”* [Participant 9, 2025].

At the same time, some of the participants pointed to the manner in which social media, especially Facebook, X (formerly Twitter), and WhatsApp, have become major platforms for tech-friendly engagement with the young audience. These platforms are not only the means of publicity but also of community participation and quick consultations. One of the mediators said,

*"On Facebook, we post educational messages and, at times, short videos explaining ADR. People contact us through direct messages to inquire about how to get the service." [Participant 6, 2025].*

In agreement, another participant observed that digital outreach helps in increasing the number of clients and connecting the professionals of ADR:

*"Events and awareness campaigns are shared through WhatsApp group discussions. It is a great tool for us concerning coordination of efforts and reaching." [Participant 7, 2025].*

Practitioners are using all sorts of tools, including FM stations, local language programs, and social media campaigns, to make ADR clear, invite people to join in, and foster a culture that prefers litigation over dialogue.

#### *Capacity Building through Online Learning and Networking*

An additional significant theme that emerged was the utilization of online learning systems and virtual networking as means to improve the skills and capabilities of ADR practitioners in Ghana. The participant narrates that the adoption of technology provided an opportunity for ADR practitioners for continuous professional development. According to them, online learning platforms are easily accessible, especially to those who are working in areas outside the capital city and other big cities.

Some of the participants went on to give their examples of how the different activities, like webinars, virtual conferences, and online courses run by the Ghana Arbitration Centre, the ADR Hub Ghana, and other international organizations have improved their skills. A participant commented,

*"Previously, we had to travel every time for training in Accra. Now, most institutions send us links for virtual sessions, and we can learn from home. This has been a really good way for us to be updated." [Participant 14, 2025].*

Moreover, the others stated that the communication made possible by the WhatsApp and LinkedIn groups has helped the practitioners to share experiences and also to learn from one another through the cases handled by each party. One mediator said this,

*"I join groups on LinkedIn and WhatsApp in which we discuss our mediation experiences and even share new laws or ethical guidelines. It is really keeping us connected and informed." [Participant 4, 2025].*

The participants recognized the fact that there has been a significant increase in the number of Ghanaian mediators working with international ADR experts via the virtual seminars and forums. One respondent said

*"A therapist from South Africa conducted a restorative justice training that I participated in last year. It was an eye-opener to me, and I was introduced to new*

*ideas and methods that we can practice in our local context*". [Participant 5, 2025].

In spite of these technological advancements, a few interviewees discussed that quite a number of mediators in the rural areas do not have access to quality internet service, as well as the required gadgets. However, the technology-driven capacity-building initiative was gradually closing the professional gaps and ensuring that the ADR practitioners in deprived communities moved in tandem with their colleagues elsewhere.

### **Discussion**

The findings revealed that among the psychological competencies, empathy, active listening, bias-awareness, personality-adaptation, and trust-building stand as the primary ones that play a significant role ADR process in Ghana. These findings are in line with the argument in the available literature, which also emphasizes the role of psychology in the ADR. For instance, Klimecki (2019) states that empathy and compassion are linked with more prosocial attitudes and greater willingness to reconcile during conflict resolutions. Femi and Adeyimi (2025) noted that psychological factors greatly determine the manner and the extent to which conflicts emerge and are recognized. According to these authors, psychological factors such as individual perceptions, biases, and ways of thinking affect one's interpretation of the case (Femi and Adeyimi, 2025). Such differences in cognitive frameworks might result in misinterpretations, labeling, and communication breakdowns, thus giving rise to conflict that could have been avoided. In that sense, for successful resolution to occur, it is appropriate to inculcate psychological factors. The findings of this study, therefore, build on those of Femi and Adeyimi (2025) by providing evidence of how psychology influences the ADR process.

The findings of this study have shown that empathy and emotional understanding are psychological underpinnings of effective Alternative Dispute Resolution (ADR). These psychological factors assist ADR practitioners in communicating with the disputing parties regarding the issue and enhance fruitful dialogue. The research confirms that the empathy of an ADR practitioner, which may be manifested through active listening, emotional validation, and amicable ways of communication, encourages the parties to share their problems without the apprehension of being misunderstood. In addition to empathy and emotional understanding, the findings show that active listening and communication also play significant roles in the ADR process. From the analysis, it becomes clear that active listening and clear communication help mediators to effectively discuss the nuances of phrasing, tone, reflection, and paraphrasing so that the disputants can properly express their concerns, and hostility can be lessened.

Riera Adrover et al. (2019) and Tyler et al. (2006) suggested that mediators who show empathy towards their clients can build an environment of trust and equality through their empathetic involvement in the mediation process. The involvement of empathy allows mediators to manage the emotional tension in the conflict and also circumvent the cognitive biases of the disputant, thereby changing hostility into partnership and cooperation in the ADR process (Thompson et al., 2006). In the case of Ghana's community-based society, where the basic values of interaction

are dignity and emotional respect, empathy acts as the moral and psychological link that converts conflicts into reconciliation opportunities. Poblet and Casanovas (2007) reveal that feelings-based mediation brings about peace and contributes to the proverbial healing of relationships in the long run. Thus, empathy is the emotional power that drives ADR. It promotes fair healing and keeps cooperation going.

Another important theme that emerged in this study is cognitive bias awareness. The mediators acknowledged that they constantly monitor their own assumptions, practice consciousness of any insentient leaning towards one party, and ensure that they do not have biases for a party in the ADR process. The literature maintains that biases in thinking of the mediator can hinder the fairness of the ADR process. Thompson and Nadler (2017) affirm that the mediator has a vital part in uncovering and eliminating bias. This shows that the mediators in the ADR in Ghana are aware of the possibility of biases in influencing the ADR process and outcome. The implication for the future professionalization of ADR in Ghana is that it would be advantageous to have special courses on cognitive bias management aimed at the improvement of the mediation results in terms of bias elimination, fairness, and consistency. Furthermore, it is evidenced that ADR practitioners in Ghana recognize the psychological role of personality dynamics and the adaptive mediation strategy. The finding that mediators customize their techniques based on the disputants' characters fits well with the psychological mediation theory. Carnevale and Pruitt (1992) proved that when the mediator's style was aligned with the personality, it brought about great engagement and lasting agreement. In the case of this study, this modification is encumbered even more by cultural hierarchies such as age, gender, and status. Hence, the psychologist attending to the mediator must also be well-versed in the sociocultural reading of the participants. The conclusion from this is that the training of the competent mediator has to be both in psychological flexibility and in cultural competence.

Moreover, the psychological aspect of trust-building and psychological safety was highlighted as being very important. Mediators maintained that trust was a prerequisite for an uninterrupted flow of disclosures. Thus, the possibility of improved outcomes would be very limited if trust is compromised in the ADR process. The study by Riera et al. (2020) pointed out that the mediator's credibility, sincerity, commitment to common objectives, and informal rapport-building were the main factors affecting the perceived trust in mediation. The acknowledgment and actualization of such factors as tone, confidentiality, and respectful opening by ADR practitioners in Ghana can lead to psychological safety. The inference is that the process of trust-creation is both a relational one and an anchor for the procedure: consistent confidentiality, clear rules, and courteous manners are as important as the mediator's technical skill.

The findings indicate that psychology in ADR is not a marginal add-on but rather the cornerstone of effective mediation. It confirms that psychological skills - empathy, listening, bias-awareness, personality adaptation, and trust-building - are the mediators between process design (the procedural side) and positive outcomes (settlement, compliance, and satisfaction) of ADR.

The findings show that innovation and technology play a crucial role in ADR in Ghana; however, it's at the initial stage. The data support the idea that mediators are slowly but surely becoming more comfortable with the use of digital platforms such as WhatsApp, Zoom, and phone calls as digital communication tools for engaging with their clients. The technologies applied were deemed to have facilitated the dialogue, kept the parties connected, and made it possible to arrange meetings more conveniently. Bhushan (2023) supports this view that mobile and virtual communication technologies have played a major role in widening access to mediation in Africa, especially in the post-pandemic context where face-to-face encounters were not possible. In addition to enhancing communication and interactions, the study further showed that the above-mentioned technologies have contributed to the shift to digital record-keeping and data management. Even though the use of technology for data management and record keeping is at the very basic level, it has increased accountability and transparency in the ADR process. Practitioners save and manage their large volume of files related to the mediation of cases in simple and convenient modes, such as drives and clouds, without having to keep the hitherto large volume of papers.

Besides, the ADR institutions in Ghana make use of media platforms, including social media, radio, and television stations, for public sensitization. ADR practitioners use these platforms to reach out to Ghanaians and educate them on the ADR services. The results of the study show that the majority of the population that did not know the ADR has turned to be its advocates and is gradually utilizing it. This agrees with the statement made by Mensah and Frempong (2022) that the use of radio and social media campaigns attracts people's trust and participation in non-judicial settlement processes. Besides, the digital training and interaction of ADR experts is yet another effective method of developing the infrastructure in the industry. The ADR practitioners use online media and platforms to educate themselves, join conferences and groups that enhance their knowledge, and keep themselves updated and informed on the best ADR practices. The findings show that the use of these technologies makes continuous professional development easily accessible and more convenient. Rahmat et al. (2024) emphasized the case that digital learning environments provide unlimited access to the professional development of mediation practitioners. Conversations regarding the organized Online Dispute Resolution (ODR) systems in Ghana are closely related to the identified global patterns (Rule 2020; Rabinovich-Einy and Katsh, 2017), who observed that the deployment of technology in ADR can assure better access, consistency, and expansion.

### **Conclusion**

The research explored the role of psychology and innovation in Alternative Dispute Resolution in Ghana. The results affirm that the psychological principles of empathy, emotional understanding, and recognizing biases, and other practices such as active listening, clear communication, and cultural sensitivity are the driving forces behind the ADR practices in Ghana. These psychological skills help ADR practitioners to obtain trust, regulate emotions, and provide lasting solutions to disputes. In addition, the Ghanaian ADR process is gradually integrating innovations as the mediators digitize their communication, record-keeping, and even outreach, as well as develop their skills online. Thus, the role of innovation in the ADR process

can be described as gradual but steady. The gradual integration of innovation is indicative that the ADR process is becoming less cumbersome, more transparent, and quicker. The study indicated that the collaboration among the psychological and technological factors is the main resource for the effective ADR practice in Ghana, where human empathy and understanding are amplified by the availability of tools that are not only innovative but also extensive in terms of outreach and professional practice. Therefore, the future training programs for the mediators may include psychological and digital literacy so that the ADR system will be more holistic, adaptive, and inclusive.

Based on the findings, the study suggests a two-pronged strategy that would enhance the role played by both psychology and innovation in ADR in Ghana. First, the Ghana ADR community - more specifically the ADR Directorate of the Judicial Service, professional mediators, and training institutions - should introduce psychological training modules into their certification and continuous professional development programs. The modules should highlight the skills that were found to help secure mediators' success with handling emotionally charged disputes: empathy, emotional regulation, communication, and cultural competence. Further, the judicial and legal systems dealing with ADR should invest in the digital capacity building and training of practitioners. The training should focus on equipping the individual with skills and capacity to effectively use innovations such as Zoom, WhatsApp, and digital recordkeeping tools. Also, the establishment of a centralized and secure ADR digital management system can improve the documentation, transparency, and data retrieval of data. The study further recommends that government agencies work with private technology innovators and civil society organizations to conduct trials of Online Dispute Resolution (ODR) platforms designed for Ghana's conditions and ensuring that rural and low-income populations are included. Finally, awareness campaigns through radio, TV, and social media should be continued in order to make the public aware of and trust ADR as a low-cost and credible delivery of justice.

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educate the public and create their confidence in ADR as a cheap and reliable justice delivery system.

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