



Arbitration and Mediation: The New in Nigeria

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Abstract

The landscape of dispute resolution in Nigeria has witnessed a paradigm shift in recent years with arbitration and mediation emerging as potent alternatives to traditional litigation. This chapter delves into the evolving landscape of arbitration and mediation in Nigeria and explores the dynamic changes and innovations in this field. Its aim is to critically examine the contemporary developments in arbitration and mediation within the Nigerian context and its objectives include to elucidate the historical context of arbitration and mediation in Nigeria; to analyze the legislative and regulatory framework governing arbitration and mediation in Nigeria; to evaluate the current trends and practices in arbitration and mediation; to explore the role of technology and innovation in enhancing the efficiency and accessibility of arbitration and mediation

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processes in Nigeria; and, to assess the challenges and opportunities faced by arbitration and mediation practitioners in Nigeria. This chapter adopts the doctrinal research method. The research draws extensively from primary and secondary sources, including legislation, internet sources, academic literature, and theoretical data. The research also incorporates comparative analysis with international best practices in arbitration and mediation to identify areas for improvement. The significance of this chapter lies in its contribution to the understanding of arbitration and mediation as effective mechanisms for dispute resolution in Nigeria. The chapter is also significant given that it identifies areas where Nigeria can broaden its arbitration and mediation infrastructure to align with global standards. The chapter concludes by noting that arbitration and mediation have evolved significantly in Nigeria and presents a promising "new" approach to dispute resolution. It recommends that there is a need to strengthen the enforcement of arbitral awards through legislative reforms and improved coordination between the judiciary and arbitral institutions; that there is a need to enhance the capacity-building efforts for arbitration and mediation practitioners by establishing specialized training programs and certifications; that Nigeria should promote awareness and education on the benefits of arbitration and mediation among businesses, legal professionals, and the general public; that Nigeria should continue to monitor international best practices in arbitration and mediation and adapt its regulations to remain globally competitive; and, that there is a need to embolden the use of technology and Online Dispute Resolution (ODR) platforms to expand access to arbitration and mediation services, especially in remote and underserved areas.

Introduction

In an increasingly interconnected and complex world of ours, disputes have become an inevitable aspect of human interaction.¹ Whether disputes arise in the realm of commerce, employment, family, or other domains, the reality is that resolving conflicts efficiently and fairly through either the traditional method of dispute resolution or through Alternative Dispute Resolution (ADR) is paramount.²

ADR encompasses a spectrum of approaches that emphasize negotiation, mediation, and arbitration as viable alternatives to the adversarial nature of litigation.³ It stands as a beacon of innovation in the realm of conflict resolution and offers a range of methods that emphasize cooperation, open dialogue, and creative problem-solving.⁴ Its importance lies not only in its ability to expedite the resolution process, but also in its capacity to preserve relationships, reduce costs, and maintain confidentiality.⁵

Since the focus of this chapter is on arbitration and mediation, it is worth pointing out that arbitration offers parties the opportunity to present their case before a neutral third party,

¹ Ogunkoya, J.O, 'The Inevitability of Crisis in Human Existence' (2009) 6(1) *African Journal online* 381-390.

² Ajayi, A.T and Buhari, L.O, 'Methods of Conflict Resolution in African Traditional Society' (2014) 8(2) *African Research Review* 138-157.

³ Sourdin T, 'The Role of the Courts in the New Justice System' (2015) 7(11) *Arbitration Law Review* 1-4; Oddiri E. R, 'Alternative Dispute Resolution' (paper presented at Annual Delegates Conference of the Nigerian Bar Association, Lagos 2004).

⁴ Shamir Y, 'Alternative Dispute Resolution Approaches and their Application' https://www.researchgate.net/publication/251855496_Alternative_Dispute_Resolution_Approaches_and_their_Application accessed on 5 September 2023;

Oricho D.O, 'Understanding Benefits of Alternative Dispute Resolution (ADR) in the Work Place Mediation' (2010) 2(1) *Journal of Law and Conflict Resolution* 11-19.

⁵ Carver T.B and Vondra A.A, 'Alternative Dispute Resolution: Why It Doesn't Work and Why It Does' <https://hbr.org/1994/05/alternative-dispute-resolution-why-it-doesnt-work-and-why-it-does> accessed on 5 September 2023.

the arbitrator, who possesses expertise in the relevant subject matter.⁶ The arbitration process provides a streamlined and more private alternative to litigation thereby allowing the disputing parties to select an arbitrator and agree on procedural rules tailored to their needs.⁷ The resulting arbitral award is binding, enforceable, and provides a resolution that balances legal clarity with flexibility.⁸ In contrast, mediation places a premium on open communication and facilitated negotiation.⁹ A neutral third party, the mediator, assists the parties to identify common ground, explore underlying interests, and generate mutually acceptable solutions.¹⁰ Unlike arbitration, the mediator does not impose decisions but rather encourages the parties to craft their own resolution.¹¹

Significance of the topic within the Nigerian Context

The topic under consideration in this chapter, "Arbitration and Mediation: The New in Nigeria", holds immense significance

⁶ Jegede O.J and Idiaru W, 'Overview of Alternative Dispute Resolution Process in Nigeria' <https://www.mondaq.com/nigeria/arbitration-dispute-resolution/1036840/overview-of-alternative-dispute-resolution-process-in-nigeria> accessed on 5 September 2023; Carver T.B and Vondra A.A., 'Alternative Dispute Resolution: Why It Doesn't Work and Why It Does' (1994) 1(3) Harvard Business Review 120-130.

⁷ Del Prado F.N, 'The Fallacy of Consent: Should Arbitration Be a Creature of Contract' (2021) 35(2) Emory International Law Review 221; Friedman G.H., 'Alternative Dispute Resolution and Emerging Online Technologies: Challenges and Opportunities' (1997) 19(3) Hastings Communications and Entertainment Law Journal 698.

⁸ Akanbi M.M, 'Contending Without Being Contentious: Arbitration, Arbitrators and Arbitrability' (Paper presented at the One Hundred and Fifty-Second Inaugural Lecture, University of Ilorin, Ilorin 2014).

⁹ Boule L, Mediation: Principles, Processes, Practice (2nd edition LexisNexis Butterwoods, New South Wales, 2005).

¹⁰ Schweinsberg M, Thau S and Pillutla M.M, 'Negotiation Impasses: Types, Causes, and Resolutions' (2021) 48(1) Journal of Management 49-68; Jacobs P, 'Mediation Now and Then' in M.P Barbee, Newsletter Mediation (International Bar Association Legal Practice Division 2007) 14; Kanuga S and Pratap A, 'Online Mediation in India' (2021) 1(1) Cadr Journal of Dispute Reslution 15-16; Wall J.A and Lynn A 'Mediation: A Current Review' (1993) 37(1) The Journal of Conflict Resolution 170.

¹¹ Bennett A, 'The Role of Mediation: A Critical Analysis of the Changing Nature of Dispute Resolution in the Workplace' (2012) 41(4) Industrial Law Journal 479-480.

within the Nigerian context. It reflects the country's evolving legal landscape and its increasing recognition of the importance of Alternative Dispute Resolution (ADR) methods.

Nigeria, like many other nations, has faced challenges which include undue delays, backlog of cases and high costs in its traditional court system.¹² Against this unfortunate backdrop, the introduction and promotion of arbitration and mediation as viable alternatives to litigation represents a pivotal shift towards more efficient, accessible, and harmonious conflict resolution.¹³

The topic's focus on "The New in Nigeria" underscores the innovative nature of arbitration and mediation within the country's legal framework.¹⁴ This innovation not only complements traditional judicial processes but also demonstrates Nigeria's commitment to embracing modern approaches to dispute resolution.¹⁵ Through this shift, the country is positioned to alleviate the burden on its courts, expedite resolutions, attract foreign investment, and promote a culture of negotiation and consensus-building.¹⁶

¹² Okeke G.N and Okeke C, 'The Justiciability of the Non-Justiciable Constitutional Policy of Governance in Nigeria' *Journal of Humanities and Social Science (JHSS)* (2013) 7(6)9-14; Said A, 'Reconstructing the Future: Africa and the Challenge of Democracy and Good Governance in the 21st Century' *Development and Socio-Economic Progress* (1999) No. 75, 34.

¹³ Gbenga B, 'A Field not Covered: Arbitration and the Nigerian Constitution', *Business Day Newspaper* (Nigeria 25 March 2016) <https://businessday.ng/analysis/article/a-field-not-covered-arbitration-and-the-nigerian-constitution-1/> accessed on 6 September 2023; Menkel-Meadow C, 'Mediation, Arbitration and Alternative Dispute Resolution (ADR)' (2015) UC Irvine School of Law Research Paper No. 2015-59 1-1.

¹⁴ Oyeniyi O, 'The Legal Framework for the Institutionalization of International Commercial Arbitration in Nigeria: A Critical Review' *Journal of Sustainable Development Law and Policy* (2013) 1(1) 132-147.

¹⁵ Rhodes-Vivor A, 'Legislation and Rules Recent Arbitration Related Developments in Nigeria' *The International Journal of Arbitration, Mediation and Dispute Management* (2010) 76(1) 130-133.

¹⁶ Ikpeze O.V, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and the Role of lawyers' *Nnamdi Azikiwe University Journal of International Law and*

Historical Perspective of ADR, the Emergence and Growth of Modern ADR Practices and Legal/Institutional Framework in Nigeria

Nigeria is undoubtedly a country rich in diverse cultures and traditions.¹⁷ It also boasts of a long history of resolving conflicts through indigenous methods that reflect the values and customs of its various communities.¹⁸ These traditional dispute resolution methods such as the elders' councils and village heads, family meetings, community arbitration, oracles and spiritual leaders and customary courts, are an integral part of the social fabric and serves as an alternative to formal legal processes.¹⁹ It also offers a valuable insight into the cultural heritage of the nation.²⁰

In spite of the above, it is observed in this chapter that modern legal systems have gained prominence in

Jurisprudence (2010) 1(1) 227-241; Abe O.O, 'The Legal Framework for The Institutionalization of International Commercial Arbitration in Nigeria: A Critical Review' *Journal of Sustainable Development Law and Policy* (2013) 1(1) 132-147; Otuturu G.G, 'Some Aspects of the Law and Practice of Commercial Arbitration in Nigeria' *Journal of Law and Conflict Resolution* (2014) 6(4) 67-77.

¹⁷Nte I, Oodee P.F and Dickson O, 'Factors Affecting Technological Growth in Nigeria and the Way Forward' (2017) 5(5) *International Journal of Mechanical Engineering and Applications* 269-274; Amah E.J, 'Nigeria – The Search for Autochthonous Constitution' (2017) 8(1) *Beijing Law Review* 141-158.

¹⁸Iwara I.E and Oni S.O, 'Rights of Fair Trial and the Human Person in Nigeria's Political System: A Legal-Politico Perspective' (2016) 1(4) *International Journal of Arts Humanities and Social Sciences (IJAHSS)* 106; Said A, 'Reconstructing the Future: Africa and the Challenge of Democracy and Good Governance in the 21st Century' (1999) *Development and Socio-Economic Progress* No. 75, 34; Nwagbara C, 'The Role of Fair Hearing in the Dispensation of Justice in Nigeria – A Legal Perspective' (2016) 4(4) *International Journal of Innovative Legal and Political Studies* 1-10.

¹⁹Francis K, 'Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities' paper delivered at the Chartered Institute of Arbitrators Centenary Conference on 15th July 2015 at the Victoria Falls Convention Centre, Livingstone, Zambia; Ajayi, A.T and Buhari, L.O, 'Methods of Conflict Resolution in African Traditional Society' (2014) 8(1) *African Research Review* 138-151.

²⁰Fayemi A.K, "Agba (Elder) as Arbitrator: A Yoruba Socio-Political Model for Conflict resolution-A Review of Lawrence O. Bamikole" (2009) 1(3) *Journal of Law and Conflict Resolution* 60-67.

Nigeria.²¹ The evolution of conflict resolution has witnessed a transformative shift with the emergence and rapid growth of modern Alternative Dispute Resolution (ADR) practices.²² Despite the fact that traditional methods rooted in cultural norms have long been employed, the complexities of the modern world necessitated a more efficient, accessible, and specialized avenues for resolving disputes.²³ All these have led to the rise of ADR, a dynamic set of methodologies that have revolutionized the way conflicts are addressed.²⁴

It should be pointed out that modern ADR practice came about due to factors such as necessity, the influence of globalization, business and commerce, legal reforms and legislation as well as flexibility in terms of tailored solutions to specific needs.²⁵

Nigeria has undergone a significant transformation in its legal and institutional framework to accommodate Alternative Dispute Resolution (ADR) practices²⁶ and one of the pivotal steps in establishing a robust ADR framework is the enactment of laws and regulations that formally recognize and

²¹Maryam I.G, 'The Socio-Legal Context of the Nigerian Legal System and the Shariah Controversy: An Analysis of Its Impact on Some Aspects of Nigerian Women's Rights' (2016) 45(1) *Journal of Law, Policy and Globalization* 60-66.

²² Carrie M.M, 'The Historical Contingencies of Conflict Resolution' (2013) 1(1) *International Journal of Conflict Engagement and Resolution* 32-55.

²³Carrie M.M, 'From Legal Disputes to Conflict Resolution and Human Problem Solving: Legal Dispute Resolution in a Multidisciplinary Context' (2004) 54(1) *Journal of Legal Education* 7-29.

²⁴Abraham E.O, 'Conflicts and Crises in Nigeria: Management and Resolution for Peace Building' (2020) 1(7) *International Journal of Legal Studies* 361-374.

²⁵Ristovska K and Ristovska A, 'The Impact of Globalization' (2014) Vol. 47 No. 3-4 *Economic Analysis* 83-89.

²⁶Alero A, 'Institutionalising Alternative Dispute Resolution in the Public Dispute Resolution Spectra in Nigeria through Law: The Lagos Multi Door Court House Approach' (2014) Vol. 12(1) *US-China Law Review* 104-120.

integrate ADR methods into the legal system.²⁷ Notably, the Arbitration and Mediation Act, 2023 which repealed the 35-year-old Arbitration and Conciliation Act Cap A18, Laws of the Federation of Nigeria, 2004²⁸ that laid the foundation for arbitration as a recognized means of resolving disputes and aligned Nigeria with international practices.²⁹ This recent development in the legal and regulatory framework has further solidified ADR's status thereby allowing parties to choose arbitration or mediation as legitimate alternatives to litigation.³⁰

Nigeria also recognized the importance of institutional support for ADR in that it established bodies dedicated to promoting and facilitating ADR processes.³¹ The establishment of the Chartered Institute of Arbitrators (Nigeria) in 1979 and the Lagos Multi-Door Courthouse in 2002 marked significant

²⁷ Edwin O.E, 'Developing a Statutory Framework for ADR in Nigeria' (2011-2012) 10 *The Nigerian Juridical Review*, 248-266.

²⁸ Toheeb K, 'A Review of the Arbitration and Mediation Act, 2023', available online at https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAIQw7AJahcKEwjY_pq7rJWBaxUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fice.africa%2Fa-review-of-the-arbitration-and-mediation-act-2023%2F&psig=AOvVaw0 accessed on 6 September, 2023.

²⁹ Abayomi O, 'A New Era for Arbitration in Nigeria: The Arbitration and Mediation Act 2023' https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAIQw7AJahcKEwione_ErZWBAxUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwww.afronomicslaw.org%2Fcategory%2Fanalysis%2Fnew-era-arbitration-nigeria-arbitration-and-mediation-act-2023&psig=AOvVaw0-vAS9rQ0J8B_3SgPd6_kpUQ&ust=1694067619901343&opi=89978449. accessed on 6 September, 2023.

³⁰ Ibid.

³¹ Agatha A.O, 'Exploring Alternative Dispute Resolution for Settlement of Criminal Disputes in Nigeria' being a Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy Criminal Justice Walden University May 2021. Available online at https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAIQw7AJahcKEwig4bSir5WBaxUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwww.afronomicslaw.org%2Fcategory%2Fanalysis%2Fnew-era-arbitration-nigeria-arbitration-and-mediation-act-2023&psig=AOvVaw0-vAS9rQ0J8B_3SgPd6_kpUQ&ust=1694067619901343&opi=89978449. accessed on 6 September, 2023.

milestones.³² These institutions provide training, certification, and resources for arbitrators, mediators, and other ADR practitioners thereby ensuring a pool of skilled professionals equipped to handle disputes.³³

Other areas worth mentioning include the integration of ADR methods into the Judiciary.³⁴ The Federal High Court, for instance, has incorporated mediation into its processes thereby encouraging parties to attempt resolution through mediation before proceeding to trial.³⁵ Nigeria also recognizes ADR in commercial and investment disputes and to this extent, the country ratified the New York Convention which facilitates the enforcement of arbitral awards across borders.³⁶ This step not only enhances Nigeria's credibility as a business-friendly nation but also underscores the government's commitment to fostering a favorable environment for foreign investments.

The Arbitration and Mediation Act, 2023 (AMA) was signed into law on 26 May 2023 and holds a pivotal role in shaping the landscape of Alternative Dispute Resolution (ADR) in

³²Onyema E., 'The Multi-door Court House (MDC) Scheme in Nigeria: A case study of the Lagos MDC' (2013) 2(7) *Apogee Journal of Business, Property and Constitutional Law* 96-130.

³³Oyeniyi A, 'The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander's Concept' (November 16, 2014). Available online at <https://ssrn.com/abstract=2525677> or <http://dx.doi.org/10.2139/ssrn.2525677> accessed on 7 September, 2023.

³⁴Arinze-Umobi C.M and Okonkwo I.T, 'Alternative Dispute Resolution Practice in Nigeria and the Effect of COVID-19 Pandemic' (2021) 2 *International Journal of Law and Clinical Legal Education* 82-85.

³⁵Dike S.C, Boma G.T, and Dorcas F.E, 'Transforming Mediation and Conciliation Practices for Effective Dispute Resolution in Nigeria' (2020) 12(1) *Journal of Property Law and Contemporary Issues* 230-246.

³⁶Sabit K, 'Arbitral Awards and its Enforcement in Nigeria' (October 17, 2021). Available online at <https://ssrn.com/abstract=3944118> or <http://dx.doi.org/10.2139/ssrn.3944118>. Accessed on 7 September, 2023.

Nigeria. The Act is a significant legislative stride aimed at providing a comprehensive framework for Arbitration and Mediation processes in the country. Its provisions define modern legal parameters for ADR and also contribute to fostering an environment conducive to efficient and effective dispute resolution.³⁷

Key Aspects and Contributions of the Arbitration and Mediation Act, 2023 include that it brought Nigeria's legal framework for arbitration and mediation in conformity with contemporary arbitration and mediation principles and practices.³⁸ It provides a statutory framework for mediation and the enforcement of settlement agreements in Nigeria, it makes elaborate provisions on interim measures of protection, award review tribunals and emergency arbitration,³⁹ it provides for consolidation of arbitrations and joinder of parties, it provides a permissive framework for third-party funding, it recognizes and gives legal validity to arbitration agreements,⁴⁰ improves the process for appointing arbitrators, fine tunes the rules for the conduct of arbitration proceedings, addressing matters such as the arbitrators' powers, the presentation of evidence, and the issuance of arbitral awards.⁴¹ These provisions provide structure and predictability to the arbitration process.

The Act incorporates provisions that allow for the recognition and enforcement of both domestic and foreign arbitral awards; provides a framework for challenging and setting aside arbitral awards under specific circumstances; and plays

³⁷Abayomi O, *ibid* at 29.

³⁸Toheeb K, *ibid* at 28.

³⁹ *Ibid*.

⁴⁰Abayomi O, *ibid* at 29.

⁴¹ *Ibid*.

a vital role in promoting a culture of ADR in Nigeria.⁴² It also aligns with international best practices in arbitration; contributes to Nigeria's credibility as a destination for international commercial arbitration; and, allows parties to adopt international arbitration rules when they are from different countries.⁴³ This flexibility accommodates the diverse nature of disputes and the parties involved.

New Developments in ADR in Nigeria and Future Prospects

Alternative Dispute Resolution (ADR) in Nigeria has experienced significant advancements and transformations in recent years which have all helped to shape the landscape of conflict resolution.⁴⁴ These developments, coupled with future prospects, offer a promising trajectory for enhancing access to justice, improving efficiency, and positioning Nigeria as a hub for ADR excellence in West Africa.⁴⁵

These new developments include:

- I. **The repeal of the Arbitration and Conciliation Act CAP A.18 LFN, 2004:** As observed earlier, Nigeria's commitment to fostering a conducive ADR environment is evident through recent repeal of the Arbitration and Conciliation Act (ACA), Cap A.18 LFN, 2004 to the Arbitration and Mediation Act (AMA), 2023.⁴⁶ The new Act addresses the complexities and evolving needs of arbitration and mediation in the country

⁴²Toheeb K, *ibid* at 28.

⁴³Abayomi O, *ibid* at 29.

⁴⁴ Ojo S.O, 'Alternative Dispute Resolution (ADR): A Suitable Broad Based Dispute Resolution Model in Nigeria; Challenges and Prospects' (2023) 4(1) *International Journal of Conflict Management* 50 – 62.

⁴⁵ Iseh K, 'Alternative Dispute Resolution: Revisiting the Approaches for Conflict Settlement in Nigeria' (January 20, 2020). Available online at <https://ssrn.com/abstract=3544150> or <http://dx.doi.org/10.2139/ssrn.3544150>. Accessed on 7 September, 2023.

⁴⁶ Toheeb K, *ibid* at 28.

and align Nigeria's arbitration practices with international standards and best practices. It addresses (amongst others) issues related to enforceability, recognition of awards, and procedural efficiency. By modernizing the legal framework, Nigeria demonstrates its willingness to adapt to evolving ADR trends.⁴⁷

II. Integration of Technology In ADR Processes: The digital age has ushered in transformative changes in dispute resolution with technology playing a pivotal role.⁴⁸ Online Dispute Resolution (ODR) platforms, virtual mediation, and electronic evidence presentation are emerging trends that enhance accessibility and convenience.⁴⁹ As technology continues to evolve, its integration into ADR processes has the potential to revolutionize the way disputes are resolved in Nigeria.⁵⁰

III. Increased Potential for Nigeria to become an ADR Hub in West Africa: Nigeria's strategic geographic location, coupled with its burgeoning economy and legal infrastructure, positions it to become a regional ADR hub

⁴⁷ Abayomi O, *ibid* at 29.

⁴⁸ Morek R, 'Regulation of Online Dispute Resolution: Between Law and Technology' <https://sckool.org/regulation-of-online-dispute-resolution-between-law-and-techno.html?page=14> accessed on 18 December 2021.

⁴⁹ Sree K.B.H, 'A Comparative Analysis of Online Dispute Resolution Platforms' (2017) 2(3) American Journal of Operations Management and Information Systems 81-85; Bygrave L.A, 'Online Dispute Resolution- What it means for Consumers' (paper presented at the conference on Domain Name Systems and Internet Governance, Sydney 2002)

⁵⁰ Jegede O.J and Idiaru W, 'Overview of Alternative Dispute Resolution Process in Nigeria' <https://www.mondaq.com/nigeria/arbitration-dispute-resolution/1036840/overview-of-alternative-dispute-resolution-process-in-nigeria> accessed on 17 December 2021; Carver T.B and Vondra A.A, 'Alternative Dispute Resolution: Why It Doesn't Work and Why It Does' (1994) 1(3) Harvard Business Review 120-130.

in West Africa.⁵¹ By fostering a supportive regulatory environment, investing in ADR training and institutions and promoting international arbitration centers, Nigeria can attract cross-border disputes and establish itself as a preferred destination for resolution of disputes.⁵²

IV. Role of Education and Advocacy In Expanding ADR's Reach: Education and advocacy play instrumental roles in expanding the reach of ADR.⁵³ Through curriculum integration, workshops, seminars, and public awareness campaigns, stakeholders can empower individuals, lawyers, businesses, and communities to embrace ADR as a first-choice option for dispute resolution. Educated and informed parties are more likely to appreciate ADR's benefits and seek its services.⁵⁴

V. Collaboration with International Organizations: Collaboration with international organizations and institutions dedicated to ADR development has continued to accelerate Nigeria's progress.⁵⁵ Partnerships can foster knowledge exchange, capacity-building and the adoption of globally recognized ADR practices.

⁵¹ Sheriff G.I and Momoh A. M, 'Nigeria's Consolidation of Foreign Policy Directive in West Africa: Some Major Challenges and Prospects' (2019) 2(1) *African Journal of Law, Political Research and Administration* 22-30.

⁵² Okonkwo, T. Maritime Boundaries Delimitation and Dispute Resolution in Africa (2017) 8 *Beijing Law Review* 55-78.

⁵³ Katz N and Kovack L, 'Higher Education's Current State of Alternative Dispute Resolution Services for Students' (2016) 4 *Journal of Conflict Management* 5-37.

⁵⁴ Yogesh K.D, 'Setting the future of digital and social media marketing research: Perspectives and research propositions' (2021) 59 *International Journal of Information Management* 1-37.

⁵⁵ Adams O, 'The Place of Africa in the International Community: Prospects and Obstacles' (2016) 3(4) *Open Access Library Journal* 1-14.

VI. Empowering Local Communities:

Recognizing the importance of community-based dispute resolution coupled with continuous efforts to integrate local leaders and elders into ADR processes can enhance cultural sensitivity and promote understanding.⁵⁶ Engaging communities in designing resolution strategies strengthens social cohesion and facilitates conflict prevention.

VII. Creation of Specialized ADR Courts: To streamline ADR procedures and address specific types of disputes, the establishment of specialized ADR courts can expedite resolution while maintaining the integrity of ADR principles.⁵⁷

ADR in Global Context: A Comparative Analysis

As Alternative Dispute Resolution (ADR) continues to gain prominence worldwide⁵⁸, examining ADR practices in other countries offers valuable insights for Nigeria's own journey in enhancing its dispute resolution landscape. A comparative analysis provides an opportunity to learn from international successes and challenges, identify best practices, and explore the possibilities of cross-border ADR resolutions for Nigerian disputes.

I. Contrasting ADR Practices in Other Countries: ADR methods vary significantly across different Countries due to cultural norms, legal frameworks, and societal preferences. For instance, Countries like the United States

⁵⁶IgweI, Udude K and Constance O, 'A Review of Continuous Relevance of the Traditional Methods of Dispute Resolution Mechanism in Southeast of Nigeria' (2020) 11 *Beijing Law Review* 34-42.

⁵⁷Alexander N.M, 'Maintaining and Enhancing the Integrity of ADR Processes: From Principles to Practice through People' (January 14, 2011). Available online at <https://ssrn.com/abstract=3766044> accessed on 7 September, 2023.

⁵⁸Daouda C.A, 'The Validity of International Commercial Arbitration Agreement' (2016) 4(5) *Global Journal of Politics and Law Research* 10-50.

have a robust culture of Mediation and Arbitration⁵⁹ while Scandinavian Countries emphasize Conciliation.⁶⁰ China has incorporated Mediation into its judicial system,⁶¹ and India has seen success with Lok Adalat, a community-based dispute resolution forum.⁶² Contrasting these practices with Nigeria's ADR landscape can help identify strategies for tailoring ADR methods to local contexts.

II. Learning from International Successes and Challenges: International experiences provide valuable lessons for Nigeria.⁶³ Learning from the successes of Countries that have effectively integrated ADR into their legal systems can inform Nigeria's own efforts. Similarly, understanding the challenges faced by other nations such as issues of enforceability, cultural adaptation, and quality control of ADR practitioners, can guide Nigeria in mitigating potential obstacles.⁶⁴

III. Possibilities of Cross-Border ADR Resolutions for Nigerian Disputes: In an interconnected world, cross-border disputes are increasingly common.⁶⁵ ADR can provide a solution for resolving these disputes efficiently and effectively. International arbitration centers, such as those in London, Singapore, and Paris, offer neutral

⁵⁹Nariman F.S, 'International Arbitration in the Twenty-First Century: Concepts, Instruments and Techniques' (2015) 1(2) *Trade, Law and Development* 309.

⁶⁰Wall J.A and Lynn A 'Mediation: A Current Review' (1993) 37(1) *The Journal of Conflict Resolution* 170;

⁶¹Bennett A, 'The Role of Mediation: A Critical Analysis of the Changing Nature of Dispute Resolution in the Workplace' (2012) 41(4) *Industrial Law Journal* 479-480.

⁶²Kanuga S and Pratap A, 'Online Mediation in India' (2021) 1(1) *Cadr Journal of Dispute Resolution* 15-16;

⁶³Daouda C.A, 'The Validity of International Commercial Arbitration Agreement' (2016) 4(5) *Global Journal of Politics and Law Research* 10-50.

⁶⁴Walters F.P, *A History of the League of Nations* (Oxford University Press, London 1952).

⁶⁵Nariman F.S, 'International Arbitration in the Twenty-First Century: Concepts, Instruments and Techniques' (2015) 1(2) *Trade, Law and Development* 309.

venues for parties from different jurisdictions to resolve their conflicts.⁶⁶ Exploring the use of these centers for Nigerian disputes can open new avenues for accessible and enforceable resolutions.

IV. Harmonizing Global ADR Standards: International organizations like the United Nations Commission on International Trade Law (UNCITRAL) play a role in harmonizing ADR standards and conventions.⁶⁷ Learning from these efforts can inform Nigeria's engagement in creating a legal environment conducive to cross-border ADR and ensuring consistency in enforcement and recognition of ADR outcomes.

V. Cultural Sensitivity in Cross-Border ADR: When considering cross-border ADR resolutions, it's important to account for cultural differences that may impact the process. Understanding cultural norms, communication styles, and expectations can contribute to effective cross-border mediation and arbitration.⁶⁸

⁶⁶Jambholkar L, 'International Commercial Arbitration: Recent Developments In Indian Law' (2002) 19(6) *Journal of International Arbitration* 16.

⁶⁷Qutieshat E, 'Online Dispute Resolution' (2017) 18(2) *British Journal of Humanities and Social Sciences* 10-20; United Nations Headquarters, 'New York Convention 60th anniversary' <https://uncitral.un.org/en/file/7823> accessed on 7 September 2023; Hornle, J, 'Encouraging ODR in the EU and Beyond', (2012) SSRN Electronic Journal <https://www.researchgate.net/publication/256035725> Encouraging Online Dispute Resolution in the EU and Beyond -

Keeping Costs Low or Standards High accessed on 7 September 2023.

⁶⁸Duca D, Colin R, and Loebi Z, 'Facilitating Expansion of Cross-Border E-Commerce – Developing a Global Online Dispute Resolution System (Lessons Derived from Existing ODR Systems – Work of the United Nations Commission on International Trade Law)' (2012) 1(1) *Penn State Journal of Law and International Affairs* 59-60; Cooper S, R Colin, and Del Duca L, 'From Lex Mercatoria to Online Dispute Resolution: Lessons from History in Building Cross-Border Redress Systems' <http://www.colinrule.com/writing/lex.pdf> accessed on 7 September 2023.

VI. Strengthening Bilateral Agreements: Bilateral agreements between Countries can facilitate cross-border ADR by establishing mechanisms for enforcing foreign ADR awards.⁶⁹ Exploring the possibility of such agreements with key trading partners can enhance the credibility and effectiveness of cross-border resolutions.⁷⁰

Conclusion

Arbitration and Mediation have emerged as powerful tools for resolving disputes in Nigeria.⁷¹ With a rich history of traditional dispute resolution methods, Nigeria has embraced modern ADR practices to complement its legal system.⁷² Arbitration and Mediation offer speed, efficiency and the preservation of relationships being qualities that align with Nigeria's diverse cultural tapestry.⁷³

The path forward requires collective effort, education, legislative support, and the nurturing of a culture that values collaboration and resolution. By embracing these principles,

⁶⁹ Julia H., 'Cross Border Internet Dispute Resolution' https://assets.cambridge.org/97805218/96207/frontmatter/9780521896207_frontmatter.pdf accessed on 7 September 2023.

⁷⁰ United Nations Secretariat, 'Online Dispute Resolution for Cross-Border Electronic Commerce Transactions' <https://digitallibrary.un.org/record/716741?ln=en> accessed on 7 September 2023.

⁷¹ Dike S, 'Transforming Mediation and Conciliation Practices for Effective Dispute Resolution in Nigeria' (December 4, 2020); Dike S.C, Boma G.T, and Dorcas F.E, 'Transforming Mediation and Conciliation Practices for Effective Dispute Resolution in Nigeria' (2020) 12(1) *Journal of Property Law and Contemporary Issues* 230-246.

⁷² Igbokwe V.C, 'The Law and Practice of Customary Arbitration in Nigeria: Agu v. Ikewibe and Applicable Law Issues Revisited' (1997) 41(2) *Journal of African Law* 201-14.

⁷³ Sela A, 'The Effect of Online Technologies on Dispute Resolution System Design: Antecedents, Current Trends, and Future Dire' (2017) 21(3) *Lewis and Clark Law Review* 634; Mohamed S, Wahab A and Katsh E, *Revolutionizing Technologies and the Use of Technology in International Arbitration* (Cambridge University Press, USA 2018).

Nigeria has the potential to lead the way in ADR excellence and by so doing, setting a precedent for the region and beyond. Practitioners within the ADR environment also have a duty to continue to envision a Nigeria where disputes are not only resolved but transformed into opportunities for growth, understanding and a brighter future for all.