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A Critical Review of the Arbitration and Mediation Act 2023 in Nigeria.

By

Celestine Ugonabo, Chidera Ugonabo, Ekene Osonwa, Cynthia Okoye.

Department of Estate Management, Nnamdi Azikiwe University, Awka.
Correspondent Email: ugonaboc@gmail.com; Phone: +2348033233549

ABSTRACT

This study constructively reviews Arbitration and Mediation Act 2023. It highlights the gaps left behind by the now-repealed Arbitration and Conciliation Act of 1988 and explains how the new Act attempts to modernize Nigeria's dispute-resolution system through innovations such as third-party funding, emergency arbitration, faster procedures, and the formal recognition of mediation. The paper also considers how well the Act aligns with global standards, including the UNCITRAL Model Law and the New York Convention. Drawing on doctrinal, comparative, and socio-legal approaches, the study finds that although the Act represents a major step forward, it still faces challenges particularly around enforcement delays, potential institutional bias, the limited integration of indigenous dispute-resolution practices, and uncertainty in how mediation interacts with litigation. The paper ends by proposing practical reforms to help the Act achieve its full potential.

Keywords: Arbitration; Mediation; ADR; Arbitration and Mediation Act 2023; Nigeria; Third-Party Funding.

1.0 Introduction

Nigeria's dispute-resolution landscape has evolved from indigenous mediation mechanisms to formal statutory arbitration frameworks introduced during colonial rule. While the Arbitration and Conciliation Act 1988 provided the foundation for arbitration practice, it lacked modern features, suffered from excessive judicial intervention, and failed to recognise mediation as a standalone mechanism. These limitations created significant delays and uncertainties, prompting the enactment of the Arbitration and Mediation Act 2023.

1.1 Background to the Study

Pre-colonial dispute resolution in Nigeria relied heavily on mediation, negotiation, and communal reconciliation. Colonial rule introduced formal arbitration through the Arbitration Ordinance of 1914. Post-independence developments led to the enactment of the Arbitration and Conciliation Act (ACA) 1988, which

incorporated some elements of the UNCITRAL Model Law. However, the ACA lacked provisions on mediation enforcement, emergency arbitration, third-party funding, amongst others. These shortcomings justified the enactment of the 2023 Act.

1.2 Statement of the Problem

Despite its partial alignment with the UNCITRAL Model Law, the ACA 1988 failed to resolve core challenges including:

• Delays in arbitral proceedings.
• Excessive judicial interference.
• Weak enforcement of domestic and foreign awards.
• Absence of a statutory mediation framework.

The Arbitration and Mediation Act 2023 attempts to address these problems, yet ambiguities remain regarding procedural implementation, arbitrator independence, and third-party funding regulation.

1.3 Aim and Objectives

Aim: To critically examine the strengths, weaknesses, and innovations of the Arbitration and Mediation Act 2023.

Objectives:

1. to identify major innovations introduced by the Act,
2. to assess how well the Act aligns with international standards,
3. to evaluate persisting challenges or ambiguities, and
4. to propose reforms for effective implementation.

1.4 Research Questions

1. What key reforms does the Act introduce?
2. How does the Act compare with global ADR best practices?
3. What gaps or limitations remain within the Act?
4. What reforms are required to enhance its effectiveness?

2.0 Methodology

This study adopts doctrinal, comparative, and socio-legal approaches:
a. Doctrinal analysis examines statutory provisions, case law, treaties, and academic literature.
b. Comparative analysis measures the Act against the UNCITRAL Model Law, the Singapore Convention on Mediation

(2019).

c. Socio-legal analysis evaluates practical implications for courts, practitioners, and businesses.

3.0 Key Provisions Of The Arbitration And Mediation Act 2023

The Arbitration and Mediation Act 2023 ("the Act") represents the most significant reform to Nigeria's ADR regime since the enactment of the Arbitration and Conciliation Act ("ACA") 1988. Its provisions reflect a deliberate attempt to modernise Nigeria's arbitration landscape, harmonise domestic practice with international norms, and reduce the procedural vulnerabilities that plagued the former regime. This doctrinal analysis evaluates the Act's key reforms in the light of statutory interpretation, judicial precedent, and comparative international frameworks.

1. Recognition and Enforcement of Mediation (Part II ss. 67–87)

The Act elevates mediation from a purely voluntary procedure to a statutory dispute-resolution mechanism. Sections 67–87 establish the appointment of mediators, the conduct of mediation, confidentiality protections, and the enforceability of mediated settlement agreements. This design aligns closely with the Singapore Convention on Mediation (2019), which emphasises the enforceability of international mediated settlements.

This marks a major departure from the ACA 1988, which addressed only conciliation in Part II. Under the new framework, mediated settlements can be registered and enforced in the High Court in the same manner as arbitral awards. This statutory recognition resolves the historical difficulty litigants faced, where mediated terms were often treated merely as contractual agreements enforceable only through fresh litigation.

While Nigerian courts have generally been willing to uphold settlements reached through ADR as seen in *Okereke v. Nwankwo* (2020) 9 NWLR (Pt. 1729) 1, the 2023 Act now goes further by giving clear statutory backing to such agreements. This reduces the uncertainty that previously arose from having to rely mainly on judicial interpretation.

2. Strengthened Enforcement of Arbitral Awards (ss. 57–64)

Sections 57–64 modernise the enforcement regime by codifying the grounds for refusal and aligning domestic

rules with the New York Convention and UNCITRAL Model Law (2006). Under Section 60, foreign awards are to be enforced strictly under the Convention framework.

Historically, Nigerian courts interpreted enforcement provisions inconsistently, leading to delays. In *Nigerian National Petroleum Corporation v. Fung Tai Engineering Co. Ltd.* (2023) 15 NWLR (Pt. 1906) 117, the Supreme Court lamented the persistent trend of treating arbitral awards as provisional, subject to frequent court challenges. The 2023 Act discourages such abuse by: narrowing refusal grounds, imposing stricter timelines; and limiting the scope of judicial review.

Doctrinally, this represents a shift from the broad supervisory role the courts exercised under the ACA to a more arbitration-friendly enforcement model.

3. Third-Party Funding (ss. 61–63; 91)

The Act now creates a formal legal framework for third-party funding (TPF) in arbitration, meaning that someone who is not part of the dispute can help pay for the case. Before now, this kind of arrangement was often seen as "champerty" or "maintenance," which were old legal rules that treated outside funding as improper. The Act removes those restrictions for arbitration.

Under sections 61–63, anyone using third-party funding must disclose the funding agreement, identify the funder, and reveal any possible conflict of interest. For example, if a company in a contract dispute asks an investment firm to cover the legal fees in exchange for a share of the award, they must tell the other party and the tribunal about this arrangement. This prevents hidden influence or bias.

Section 91 then clearly defines what counts as third-party funding and related terms, so there is no confusion about how the system works.

Doctrinally, this is transformative. Nigerian courts had previously been ambivalent towards third-party financing, with no governing statute. Looking at countries like Singapore and Hong Kong helps show how Nigeria's new rules on third-party funding fit into global practice. In Singapore, laws such as the Civil Law (Amendment) Act 2017 and the Third-Party Funding Regulations allow outside funders to support arbitration cases, provided they are financially stable and

operate transparently. Hong Kong has a similar system under its 2017 Amendment Ordinance and its Code of Practice, which requires funders to disclose their involvement, avoid conflicts of interest, and follow clear ethical standards. In both places, the goal is simple: to let parties especially those who may not afford arbitration on their own get financial help without compromising fairness. Nigeria's 2023 Act now takes the same approach. By requiring disclosure of funding arrangements in sections 61–63 and defining TPF in section 91, the Act opens the door for parties to receive financial support while keeping the process transparent and trustworthy.

The disclosure obligations mitigate risks to procedural integrity particularly in arbitrator impartiality, consistent with the *Halliburton v. Chubb* [2020] UKSC 48 standard on arbitrator disclosure duties.

4. Emergency Arbitration and Interim Measures (ss. 16, 20–28)

Section 16 introduces an emergency arbitrator mechanism enabling parties to obtain urgent interim relief before the constitution of the tribunal. Sections 20–28 empower both tribunals and courts to issue interim measures, bringing Nigeria closer to international best practice.

Previously, under the ACA, tribunals lacked clear statutory power to grant enforceable interim measures. Courts often refused to enforce interim orders, causing procedural stagnation. In *Onyejekwe v. The Nigerian Police Force* (2018) 15 NWLR (Pt. 1641) 267, the Court of Appeal signalled that tribunals required stronger statutory authority.

The Act cures this defect by:

a. allowing enforcement of tribunal-issued interim measures by the High Court;

b. preventing parties from undermining emergency orders through court delay;

c. enabling courts to act only in support, not in substitution of tribunal authority.

5. Continuation of Arbitration Despite Court Challenges (s. 5(2)

A major procedural innovation is found in Section 5(2), which provides that:

While a challenge to an arbitrator is pending before the High Court (or an appointing authority), the arbitral tribunal including the challenged arbitrator may continue with the proceedings and deliver its award.

This effectively ends the historic use of court challenges as delay tactics. Under the ACA, parties exploited court challenges to stall arbitration for years. In *Statoil Nigeria Ltd v. Federal Inland Revenue Service* (2014) 14 NWLR (Pt. 1422) 141, the Court of Appeal criticised such abuse but lacked statutory support to prevent it.

The new approach mirrors Art. 13(3) of the UNCITRAL Model Law, reinforcing the principle of procedural non-interference.

6. Kompetenz-Kompetenz and Jurisdiction (s. 14)

Section 14 codifies the rule that the tribunal has authority to determine its own jurisdiction, including objections to the validity of the arbitration agreement, the scope of submission and the proper constitution of the tribunal. This aligns with Nigerian jurisprudence, where courts increasingly favor arbitration autonomy. In *S.P.D.C. (Nig.) Ltd v. Crestar Integrated Natural Resources Ltd* (2021) 9 NWLR (Pt. 1781) 1, the Supreme Court confirmed that courts should not prematurely intervene in jurisdictional matters where the arbitration clause is operative.

The Act strengthens this doctrine by making it clear that courts can only step in at certain stages and within set time limits, which helps prevent unnecessary interference and keeps the arbitration process moving smoothly.

7. Consolidation and Joinder (ss. 39–40)

Sections 39–40 of the Act introduce consolidation and joinder, two useful tools that were not available under the old ACA. These provisions make it possible to combine related arbitrations (when the parties agree) and to bring additional parties into an ongoing arbitration when the claims come from the same transaction or agreement. This development brings Nigeria in line with more advanced arbitration systems. For example, Singapore's International Arbitration Act and the rules of the Singapore International Arbitration Centre both allow consolidation and joinder to manage multi-party disputes more efficiently

(SIAC Rules, 2016; Singapore International Arbitration Act, 1994). Likewise, the United Kingdom takes a similar approach under the Arbitration Act 1996 and the LCIA Rules, which recognise these mechanisms to reduce duplication and avoid conflicting outcomes (Arbitration Act 1996, UK; LCIA Rules, 2020). By adopting similar tools, Nigeria enhances its ability to handle complex commercial disputes and reduces the risk of inconsistent awards.

8. Arbitrator Immunity and Appointment Rules (ss. 13–15)

Section 13 of the Act gives arbitrators and appointing authorities a form of legal protection by granting them immunity for actions taken in good faith. In everyday terms, this means that an arbitrator cannot be sued simply because a party is unhappy with how the case was handled, as long as the arbitrator acted honestly and within their powers. Nigerian courts had already treated arbitrators like judges protecting them from lawsuits over their decisions, as seen in *M.V. Lupex v. Nigerian Overseas Chartering and Shipping Ltd* (2003) 15 NWLR (Pt. 844) 469. The Act now puts this principle into clear statutory form, giving arbitrators more confidence to carry out their duties without fear of personal liability.

For example, if an arbitrator decides to exclude a piece of evidence because it was submitted late, a disappointed party cannot turn around and sue that arbitrator for "bias" or "damage." As long as the arbitrator acted in good faith, the law protects them.

Sections 14–15 also make the process of appointing and challenging arbitrators much clearer. Before now, parties often argued about who should serve as the arbitrator or whether an arbitrator should be removed, and courts sometimes had to step in. With the new Act, the steps for selecting an arbitrator and the grounds and procedures for challenging one are set out in a straightforward way. This reduces confusion and limits unnecessary court involvement. For instance, if a party believes an arbitrator has a conflict of interest, the Act now provides a clear timeline and process for raising that concern, similar to international standards used in places like the UK and Singapore.

4.0 Critical Shortcomings of the 2023 Act

1. **Limited Integration of Indigenous ADR**

The Act formally recognizes mediation and arbitration but does not fully incorporate traditional dispute-resolution practices prevalent in Nigerian communities. These indigenous mechanisms often provide culturally sensitive, accessible, and cost-effective alternatives, particularly in rural areas. The absence of formal recognition risks marginalizing local stakeholders and undermining the broader objective of enhancing access to justice (Oladipo, 2019; Okonkwo, 2021). It is trite that before the coming of Arbitration and other codified means of ADR, the people in Nigeria indigenously settled disputes within their communities and this practise has endured even with the more formal and codified arbitral processes. Our view is that since the Nigerian Courts recognise customary arbitration, legislations should also recognise and refine the customary practises to create some certainty.

2. **The Risk of Futility in Continuing Arbitral Proceedings**

The Act's decision in section 5(2) to allow arbitral proceedings to continue even while a party challenges the arbitration agreement, jurisdiction, or a stay application in court is an important safeguard for efficiency. By permitting the tribunal to keep hearing the matter, take evidence, issue interlocutory directions, and even deliver a final award, the provision helps prevent parties from using court applications as delay tactics and reinforces the autonomy of the arbitral process. However, this strength also exposes a significant weakness. Because the tribunal is empowered to proceed despite a pending court challenge, it may invest substantial time and resources only for the court to later hold that the arbitration agreement is invalid, that the tribunal lacked jurisdiction, or that the dispute was not arbitrable in the first place. In such circumstances, the entire arbitral process potentially including a fully reasoned award risks becoming an exercise in futility. This tension highlights a structural dilemma in the Act: while the rule promotes procedural momentum and discourages opportunistic litigation, it

simultaneously creates uncertainty for tribunals and parties, who may spend considerable effort advancing a process that is ultimately vulnerable to being unwound by the court's final determination.

3. **Potential Institutional Bias**

The Act grants wide authority to arbitral institutions, including arbitrator appointments, case management, and fee determination. However, there are limited safeguards to prevent conflicts of interest, repeat appointments, or excessive institutional charges, which could create actual or perceived bias, especially in commercially sensitive disputes (Born, 2021; UNCITRAL Model Law, Art. 11).

4. **Unclear Mediation–Litigation Transitions**

There is no specific timeline or procedural clarity for transitioning from failed mediation to arbitration or litigation. This gap may lead to delays, forum shopping, or procedural uncertainty, undermining the efficiency and finality that ADR mechanisms aim to provide (UNCITRAL Notes on Mediation, 2012; Titi, 2020).

5. **Arbitrator Bias Concerns**

Although general disclosure obligations exist, there is no mandatory requirement for arbitrators to systematically declare repeat appointments. This may increase the risk of perceived bias in sectors where a small pool of arbitrators dominates dispute resolution (Singapore International Arbitration Act, 2002; Arbitration Act 1996, UK).

6. **Weak Deterrence for Frivolous Challenges**

The Act does not impose punitive sanctions on parties who challenge awards solely to delay enforcement. Without cost-shifting or other deterrent mechanisms, parties can exploit the system tactically, undermining arbitration's credibility and efficiency (Born, 2021; Redfern & Hunter, 2015).

7. **Limited Framework for Digital Arbitration**

The Act lacks comprehensive regulation for online or virtual

arbitration, including electronic service of documents, digital signature validation, secure virtual hearings, and cross-border cyber risks. This gap may reduce procedural certainty and limit Nigeria's competitiveness as a hub for international arbitration (Born, 2021; UNCITRAL Technical Notes on Online Dispute Resolution, 2020).

8. Emergency Arbitrator Limitations

The practical limits of Section 16 of the Arbitration and Mediation Act 2023 become easier to see when we look at a simple, real-world type of dispute in a place like Amansea in Awka. Imagine Okoye Construction Limited hires Okafor & Co Estate Surveyors and Valuers to manage and value a commercial property while plans for redevelopment are underway. Problems arise when Okafor & Co threatens to sell or reallocate parts of the property without getting the client's approval, forcing Okoye Construction Limited to seek urgent help from an emergency arbitrator before the main arbitral tribunal is even formed. Section 16 allows this early form of protection, but only up to the point when the main tribunal is constituted. After that, even if new urgent issues come up such as the surveyors taking fresh steps that could harm the project the parties can no longer return to the emergency arbitrator. There is also the possibility that any emergency order granted early on may later be changed or cancelled by the main tribunal, which weakens the sense of stability the urgent measure was meant to provide. The tight deadlines in the Act, two business days for appointment and fourteen days for a decision may further push parties into filing rushed applications and limit the emergency arbitrator's ability to properly examine technical valuation or property-management concerns. On top of these challenges, the Act offers little guidance on how emergency proceedings should transition to the main tribunal, especially when sensitive documents or virtual hearings are involved. Altogether, these gaps show that while Section 16 is a welcome step forward, it still struggles to offer fully reliable protection in everyday professional

disputes involving estate surveyors and valuers.

9. **Lack of Transparency in Institutional Rules and Operations**

There is minimal requirement for public disclosure of institutional rules, fee structures, or arbitrator appointment statistics. This opacity may undermine confidence in institutional neutrality, particularly for smaller parties or international stakeholders (SIAC Practice Notes, 2020; LCIA Arbitration Rules, 2020).

10. **Inadequate Guidance on Data Privacy and Confidentiality**

The Act is silent on the standards for handling sensitive electronic data during digital or virtual arbitration, including storage, access control, and cross-border transfers. Absence of clear rules raises risks of confidentiality breaches, especially in international commercial disputes (UNCITRAL Model Law on Electronic Commerce, 1996; GDPR considerations).

11. **Limited Recognition of Hybrid or Multi-Modal ADR Processes**

In practice, modern dispute resolution rarely follows a single, rigid path. Instead, parties often move through a mix of mediation, mini-trials, early neutral evaluations, and even virtual hearings to reach quicker and more cost-effective outcomes. Yet the Arbitration and Mediation Act 2023 does not clearly support these kinds of hybrid or step-by-step processes. For instance, if parties in a construction dispute want to start with mediation and then shift smoothly into arbitration (a common med-arb approach), the Act offers no guidance on how the mediator and arbitrator should manage their roles or how confidential information should be handled across the two stages. The same uncertainty applies when businesses want to hold a short mini-trial before launching full arbitration, or when cross-border parties wish to combine an in-person mediation session with virtual arbitration hearings to save time and travel costs. Even simpler practices like pausing an ongoing arbitration to give the parties a chance to mediate and possibly settle

are not supported by any clear statutory framework, leaving tribunals unsure of the extent of their powers. These gaps are increasingly out of step with global trends, where flexible, blended processes have been shown to reduce costs and improve settlement rates (Titi, 2020; Redfern & Hunter, 2015). As a result, the Act's silence on hybrid ADR tends to limit creativity and discourage parties from using solutions that, in many jurisdictions, are now considered standard and effective.

5.0 Results

The study shows that the Arbitration and Mediation Act 2023 (AMA 2023) marks a major shift in how disputes can be resolved in Nigeria. To begin with, the Act clearly modernises the country's ADR framework. By introducing tools such as emergency arbitrators, enforceable mediated settlements, electronic communication, and stronger powers for arbitral tribunals, it reflects the realities of contemporary commercial practice. Many of these tools were long overdue: scholars had noted that Nigeria's ADR provisions were falling behind global standards and no longer suited for today's fast-paced commercial environment (Redfern & Hunter, 2015; Orojo & Ajomo, 1999; Titi, 2020).

The Act also brings Nigeria closer to the global mainstream of international arbitration. Its provisions on jurisdiction, interim measures, kompetenz-kompetenz, and enforcement mirror the UNCITRAL Model Law, which remains the dominant international standard (UNCITRAL, 2006; Born, 2021). This kind of alignment is important not just symbolically, but because it makes Nigeria a more attractive place for investors and a more credible seat of arbitration within Africa (Brekoulakis & Stoyanov, 2020).

In addition, the Act fixes many of the weaknesses of the old Arbitration and Conciliation Act 1988. For years, critics had argued that the previous law lacked clarity, failed to accommodate developments in ADR, and did not provide courts with the right level of guidance or restraint (Adewopo, 2014; Okeke, 2015). By recognising mediation, refining the rules on interim relief, and strengthening the autonomy of arbitral tribunals, the AMA 2023 answers many of these concerns.

However, despite these advances, the study identifies several areas where the Act still falls short. One major issue is that the Act leaves significant gaps around hybrid and multi-stage ADR processes, the kinds of procedures that mix mediation, mini-trials, early neutral evaluation, online hearings, and arbitration in flexible sequences. Such approaches are increasingly common internationally because they save time and money and improve the likelihood of settlement (Titi, 2020; Strong, 2017; Stipanowich, 2015). Yet the Act does not specify how these processes should work in Nigeria, leaving parties uncertain about confidentiality, evidentiary rules, and how neutrals should handle transitions between roles.

Another challenge is that institutional regulation remains weak. Although the Act encourages the growth of arbitral institutions, it does not provide clear guidance on accreditation, ethical standards, digital capabilities, or oversight. As comparative research shows, the strength of an arbitration system often depends on the quality and consistency of its institutions (Brekoulakis, 2019; Adebayo, 2021). Without clearer standards, Nigerian institutions may continue to deliver uneven experiences.

Lastly, the study finds that the new mediation framework still needs refinement. While the Act's recognition of mediation is a welcome development, it does not spell out the qualifications mediators should have, how mediation confidentiality should be protected, or how mediation and arbitration should interact when parties want to move fluidly between them. This could limit the growth of mediation, even though it is widely recognised as one of the most cost-effective and settlement-friendly ADR mechanisms (Goldberg et al., 2017; Titi, 2020).

6.0 Conclusion

The Arbitration and Mediation Act 2023 represent a transformative reform in Nigeria's dispute-resolution framework. While the Act strengthens arbitration and introduces enforceable mediation, shortcomings in enforcement mechanisms, procedural clarity, and institutional regulation limit its full effectiveness. Continuous evaluation and targeted amendments are essential for the Act to achieve its intended goals.

7.0 Recommendations

Based on these findings, the study proposes several practical steps for strengthening the Act and improving its usefulness in everyday dispute resolution:

1. Create Clear Rules for Hybrid ADR Processes

Nigeria should introduce explicit provisions for med-arb, arb-med-arb, mini-trials, and early neutral evaluation. This would give parties confidence about confidentiality, role transitions, and how information flows from one stage to the next areas where uncertainty currently discourages innovation (Strong, 2017; Stipanowich, 2015).

2. Clarify and Strengthen Emergency Arbitration Procedures

The Act should offer more guidance on how emergency arbitrators interact with the main tribunal, how long emergency orders last, and how virtual emergency hearings should operate. Aligning these rules with established international practice would help avoid confusion and improve efficiency (Born, 2021; Forte, 2022).

3. Establish National Standards for ADR Institutions

Nigeria would benefit from a national accreditation or oversight framework that sets minimum standards for ethics, case management, digital readiness, and transparency. Stronger institutions lead to stronger arbitration systems this pattern is already clear in other jurisdictions (Brekoulakis & Stoyanov, 2020).

4. Strengthen the Mediation Framework

Reforms should address mediator qualifications, establish clearer rules on confidentiality, and provide a structured pathway for hybrid processes such as med-arb. These refinements would make mediation more predictable and more attractive to parties seeking quick and less adversarial outcomes (Goldberg et al., 2017; Titi, 2020).

5. Adopt Detailed Guidance on Digital and Virtual Proceedings

Given the rise of online hearings globally, the Act should include rules on cybersecurity, digital evidence, authentication, and technical standards. This would make Nigerian ADR more accessible, especially in cross-border disputes (Susskind, 2019).

6. **Mandate disclosure of repeat arbitrator appointments**

People need to feel confident that the arbitrator sitting on their case is truly independent. One simple way to support that confidence is to require arbitrators to disclose when the same party or law firm keeps appointing them. Repeat appointments are not necessarily a problem, but when they happen quietly, they can create suspicion. Clear disclosure rules would make the process more transparent and give parties a fair chance to raise concerns.

7. Impose punitive sanctions for frivolous challenges

Although section 5 of the Act has made provisions to curtail delays by frivolous applications, Arbitration nevertheless gets slowed down because parties file weak or completely baseless challenges because there are no punitive sanctions. Giving tribunals and courts the power to sanction these tactics through costs or other penalties would send a strong message that delay strategies will not be rewarded. This would keep proceedings focused and protect the efficiency arbitration is meant to deliver.

8. Conduct judicial and practitioner training

Even a well-drafted law will struggle if the people applying it don't fully understand its tools. Regular training for judges, arbitrators, mediators, and lawyers would help everyone stay up to date with the Act's innovations and international best practices. With consistent training, the system becomes more predictable, more accessible, and more trusted by users.

9. Require periodic statutory review

Laws governing ADR cannot remain frozen in time. The business world changes quickly, and dispute-resolution practices evolve with it. Building a requirement for periodic review into the Act say every five to seven years would ensure the law stays relevant, responsive, and forward-looking. It would also give policymakers a chance to fix problems early rather than waiting for them to become entrenched

10. **Broadening Professional Participation in Arbitration**

A broader and more inclusive approach to training is also essential if the Arbitration and Mediation Act 2023 is to achieve its

full impact. Arbitration in Nigeria is still widely, but wrongly, viewed as a practice reserved mainly for lawyers. In reality, many commercial disputes especially in construction, real estate, valuation, engineering, and procurement require the technical knowledge of estate surveyors, quantity surveyors, engineers, architects, and other specialists. These professionals are often better placed than lawyers to understand the technical issues at the heart of such disputes, and their involvement as arbitrators can significantly reduce both costs and delay. A tribunal presided over by a professional who already understands the industry such as an estate surveyor handling a valuation dispute, or a quantity surveyor managing a construction claims arbitration removes the need for lengthy explanations of industry standards and reduces the risk of misinterpreting technical evidence. To support this broader participation, Nigerian universities should consider introducing arbitration as a required course across professional disciplines, not just within law faculties. Likewise, professional bodies such as the Nigerian Institution of Estate Surveyors and Valuers (NIESV), the Nigerian Institute of Quantity Surveyors (NIQS), COREN, and others should take active steps to institutionalise arbitration within their sectors, possibly by creating specialised arbitral panels or bodies. Such reforms would not only deepen the pool of qualified arbitrators in Nigeria but also ensure that sector-specific disputes are resolved by people who genuinely understand the subject matter.

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