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Alternative Dispute Resolution (ADR): A Suitable Broad Based Dispute Resolution Model in Nigeria; Challenges and Prospects.

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Abstract

Purpose: Due to the flaws in the traditional judicial system, the use of Alternative Dispute Resolution (ADR) methods is gaining popularity among scholars and lawyers around the world. Most scholarly articles have examined the inherent advantages of Alternative Dispute Resolution (ADR) techniques over the traditional judicial processes for resolving different types of conflict. Despite the increasing frequency and classification of conflicts in Nigeria, little research has been conducted on the reasons for, and barriers to, disputants' use of alternative dispute resolution (ADR) systems as viable options. Given the complexity of the nature and structure of disputes in Nigeria, this research delves into the factors that push and pull litigants into the use of Alternative Dispute Resolution (ADR).

Methodology: This study utilized an explanatory research approach to investigate the many distinctive kinds of conflicts and match them with the most relevant ADR procedures. In particular, property disputes, family conflicts, and business disagreements were investigated.

Findings: According to the findings, Alternative Dispute resolution (ADR) may lead to a considerable reduction in the amount of time and expense of the dispensation of justice that addresses unfairness in the system of criminal justice administration, ultimately resulting in positive social change.

Contributions to Theory, Policy and Practice: The study concludes that Alternative Dispute Resolution (ADR) processes have significant potentials for handling the growing number of disputes. However, it is necessary to address their shortcomings as well as facilitate collaboration between the practitioners and the regular courts. It would improve social stability and guarantee satisfaction for the perpetrator, the victim, the community, and society as a whole if this were done. The study recommended, among other things, that the general public and litigants be educated on the inherent advantages of Alternative Dispute Resolution (ADR) in the resolution of conflicts.

Keywords: *ADR, Traditional, Judicial, Conflict, Dispute.*

Background to the Study

When two parties have different priorities, tension arises. What one wants can be counterproductive to the other's interests. Even though conflict is often perceived negatively and can create discomfort, it can serve useful purposes. A person's life and the pursuit of his or her own interests may be enhanced by the motivation to act and make changes that arise from conflict. Both war and peace are not mysterious occurrences that defy explanation; rather, they are man-made and subject to human agency.

As cultures develop and change, so do the means by which conflicts are addressed and settled within them. If a norm is broken in a society but the incident is not the topic of a feud, then the social order is typically maintained through a succession of unstructured punishments such as ostracism, mockery, avoidance, and the denial of favours. For example, in Nigeria's traditional society, these were complemented by go-betweens who helped resolve conflicts in a constructive but extrajudicial manner.

According to Ani, (2012) "to quarrel, argue, doubt the truth of, battle hard for," are all words that can be used to describe what happens during a dispute. Furthermore, scholars have debated whether or not ending a dispute is the same as resolving it. If two people are fighting over an item, for instance, removing the item from the equation usually resolves the conflict. Therefore, identifying who is more deserving of the object and under what conditions would be necessary to settle the issue.

In a dynamic environment, one of law's roles has been to adapt and develop more effective methods of settling conflicts. The procedures that have developed in law can be broken down into two major categories: adjudicatory (or adversarial) procedures, and non-adjudicatory procedures. In other words, litigation describes the adjudicatory approach. For many decades, the judicial system has served as the primary forum for resolving legal disputes around the world. A judicial proceeding is a formal process whereby parties to a dispute and any witnesses must appear before a court or other body set sup by law to hear and decide the case (Sander, 1976). It's a well-oiled machine of civil law and order. Nigeria, like many other countries, including the United States, Australia, and New Zealand, inherited the adversarial system of civil justice from the British during colonial times.

As a result of common law's evolutionary, inductive, and individualistic tendencies, our judicial system has come to adopt a more pragmatic perspective that the maintenance of law, rather than the realisation of justice, is more realistically attainable for any given society (Akeredolu, 2010). Nonetheless, adversarialism is being questioned more and more frequently, both by practitioners and by those who benefit from the process. The non-adjudicatory approach, also known as Alternative Dispute Resolution, emerged as a result of growing public and worldwide community dissatisfaction with the traditional adjudicatory litigation procedure (ADR).

As the world becomes more interconnected and people become more aware of the time and money involved in traditional litigation, they have begun to look for other methods of conflict resolution. Due to the increasing prevalence of legal disputes, it became necessary to look for

alternatives to traditional court-based litigation, which is governed by the legislation and procedure of a certain state or country and is known as Alternative Dispute Resolution (ADR). First coined by American litigation attorney Eric Green in a paper titled "settling large case litigation: an alternative strategy," the term "Alternative Dispute Resolution" (ADR) describes a process for resolving legal disputes outside of traditional courtroom settings. Using more than one method to reach a peaceful agreement is what's known as "Alternative Dispute Resolution" (ADR).

The steps include an early neutral evaluation, a minitrial, negotiations, an expert determination, mediation, conciliation, and finally arbitration. Advantages of alternative dispute resolution (ADR) include: unrestricted coverage for low dispute resolution costs; a shorter resolution time; improved relations between disputants; a binding decision; and a win-win outcome for all parties involved.

Methodology

The researcher adopted a qualitative explanatory research strategy that placed an emphasis on secondary sources such textbooks, novels, law journals, articks, websites, and different literature (including class notes) to explain the phenomenon of interest. The study also drew on statutory laws and international norms pertaining to Alternative Dispute Resolution (ADR) and the judicial records.

Conceptual Review

Conflict

Conflicts will continue to occur so long as there is competition for basic requirements. Because of our inherent need for community relationship, no human being can live a truly solitary life. Conflict erupts like a bare electric wire, exposing the dissimilarities in human perspective, interest, and motivation that emerge when people reach out to one another in pursuit of common aims, such as the advancement of knowledge, the betterment of society, or the betterment of economic conditions. Many different conceptualizations of conflict have been created in subsequent research. One widely accepted definition of conflict is Coser's (1956) idea, which is cited in Ogbuoshi (2004) and backed by Chidera (2020). He sees conflict "as a fight for value and claims to scarce reputation, power and resources in which the aims of the opponents are to neutralise, injure or eliminate their enemy". Disagreements, in this perspective, occur when the priorities of the parties involved are so far apart that they cancel each other out. According to Qawasmeh (2016) and the Forum for Conflict Prevention (2003), quoted by Sanubi and Ugbomeh,(2008) conflicts emerge whenever "two or more parties think that their objectives are incompatible and exhibit hostile attitudes, or pursue their interest by acts that injure the other party" . When "at least two actors or their representatives endeavour to achieve their perspectives of mutually incompatible goals by undermining directly or otherwise the goal seeking capability of one another," conflict ensues (Forum for Conflict Resolution, 2003). (Sandils, 1986 in Sanubi&Ugbomeh, 2008). In addition, Sanubi and Ugbomeh, (2008) argued that the social environment in which a conflict takes place, known as the conflict domain, is shaped by the conflict's context and process. As

an illustration of how a disagreement might escalate beyond the realm of the family and into the wider community, they cited a quarrel between the two sons of a deceased father over inherited land holdings.

Conflict Resolution

Conflicts are much more dangerous when people's lives and property are at risk. When parties have lost control of the situation and the conflict escalated. As a technique of preventing catastrophic conflicts, conflict resolution has been devised. As long as there is hostility between two parties, they will have to distract their attention from each other in order to find a way to end the fight. Hence, conflict resolution is more of a means to an end than a goal in itself, as it can help parties in a dispute communicate with one another and a third person whose primary objective is to help all parties reach a mutually beneficial arrangement. In contrast to conflict management and conflict transformation, conflict resolution is defined by Miller (2003) as "a set of approaches for bringing an end to disputes through the creative settlement of problems" (Akpomuvie&Forae, 2008). In the same way, the definition of "conflict resolution" by Mitcher& Banks, as cited by Akpomuvie&Forae (2008), "encompasses any process or procedure by which such an outcome is achieved, where the issues in an existing conflict, are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run, and productive of a new, positive relationship between parties that were previously hostile adversaries". Hence, "conflict resolution" describes a wide variety of strategies used to bring an end to hostilities (Wikipedia, 2020; Thomas, 2016).

Concept of Alternative Dispute Resolution

Alternative dispute resolution (ADR) includes a variety of methods outside going to court to resolve legal disputes. It's a beginning point for doing anything other than going through the drawn-out, costly, and time-consuming court system to settle a disagreement. This encompasses matters of commercial law, family law, criminal law, and more (Dinah, 2010). Conflict resolution outside of the court system is permitted by the Constitution of the Federal Republic of Nigeria (1999, as amended) (Cap C23, LFN 2004). Section 19(d) of the Constitution recognises arbitration, conciliation, mediation, negotiation, and adjudication as methods of alternative conflict resolution. Also, before initiating a case, a solicitor has an obligation to inform his client of available alternatives to litigation under the Rules of Professional Conduct for Attorneys. It is possible for disputing parties to pursue alternative dispute resolution through the channels laid forth in the Arbitration and Conciliation Act (Arbitration and Conciliation Section A18 LFN 2004). Similarly, the Court may promote an amicable settlement of any dispute by increasing mutual trust and collaboration between the contending parties. In 2007, the state government of Lagos, Nigeria approved a law that authorised the creation of the Lagos Multi-Door Court House, an Alternative Dispute Resolution Center.

The act permits referral of cases from any court in the federation for the purpose of employing ADR to resolve such issues. It decreases citizen irritation with the court system and the time it takes to resolve cases by providing alternatives to litigation in the resolution of

conflicts, and it expands access to justice through ADR. As the ADR procedure is less formal and the parties are more engaged in the issue, it has become increasingly popular as an alternative to litigation. Parties are given a chance to voice their concerns. Further advantages of alternative dispute resolution include lower costs, greater flexibility, and greater confidentiality (Akeredolu, 2010).

Methods of Alternative Dispute Resolution

Flowing from the above, the following are the main methods of alternative dispute resolution available for settling disputes in Nigeria.

Negotiation: The term "negotiation" refers to a problem-solving procedure in which the parties to a dispute or an impending conflict meet face-to-face or through a third party's intermediary in an effort to discuss their differences and reach a consensual conclusion or resolution of the conflict. Due to the absence of a neutral third party, negotiation stands apart from other forms of ADR. Negotiation is preventative because it works to keep disagreements from escalating into full-blown hostilities between the parties. A negotiation is a round of talks between two or more parties in which they voluntarily try to work out an agreement that will satisfy both of them. In this early stage, there is no outside party. Indeed, negotiating has been shown to be an extremely useful strategy in preventing the escalation of disputes and improving relations between parties.

Mediation: To help the parties to a dispute reach an agreement on how to settle it on their own terms, an unbiased third party (the mediator) is brought in as part of an alternate dispute resolution procedure. A mediator helps disputing parties talk to one another, learn about one another, zero in on their shared interests, and apply innovative approaches to problem solving so that they can settle their dispute on their own. Typically, the mediator is jointly selected by the disputing parties, and the entire mediation process is entirely optional, with neither side obligated to follow the mediator's recommendations.

The mediator initiates a combined session with the disputing parties. He briefs both sides on what to expect, determines whether mediation is appropriate, and verifies that both sides are committed to using the process to reach a settlement they can live with. The mediator then has a private caucus with each side to better understand their viewpoints and the underlying needs and interests at play. Any information submitted to the mediator by either side is kept strictly confidential unless both parties agree otherwise.

After the caucuses, the mediator will work to find areas of agreement and create an atmosphere conducive to reaching a compromise. The mediator then officially documents the deal. It is his intention to have the parties' signs the agreement once it has been approved by all involved. It is important to note that in the Nigerian legal system, arbitration and mediation appear to be the most common types of ADR, alongside negotiation.

Conciliation: Conciliation is a form of alternative dispute resolution in which a neutral third party, the conciliator, attempts to help the disputing parties reach a mutually agreeable resolution to their disagreement. In the context of resolving conflicts through conciliation, a third party is brought in to offer advice without taking sides. The Arbitration and Conciliation

Act (ACA) Laws of the Federation of Nigeria (LFN) 2004 governs the process of conciliation.

The ADR method known as conciliation is a sort of advice-giving and assessment. This is due to the fact that "a neutral and independent third party, actively aiding the parties in obtaining a mutually acceptable agreement" is involved. The neutral party can assess the merits of each side's case, provide information on the dispute at hand, and provide recommendations for how it should be settled. A neutral and independent third party is used in both mediation and conciliation to help the parties come to a negotiated agreement that suits everyone involved. When it comes to mediation, however, the neutral third party assumes more authority (though not determinative). An essential part of alternative dispute resolution is that the conciliator cannot compel a settlement, notwithstanding his authoritative position (Law Reform Commission of Ireland, Consultation Paper Alternative Dispute Resolution, 2008).

Arbitration: The most common form of alternative dispute resolution (ADR) is arbitration, in which the parties to a dispute submit the matter for resolution to a neutral third party, the arbitrator or arbitral tribunal. Award issued by an arbitration or panel is final and binding on the parties and can be enforced in court. The Arbitration and Conciliation Act (ACA) Laws of the Federation of Nigeria (LFN) 2004 and the Lagos State Arbitration Law, 2009 govern arbitration in Nigeria.

It is the stance of the law that parties to a contract that includes an arbitration clause must first attempt to resolve the dispute through arbitration before taking the other party to court. When one party to an agreement with an arbitration provision goes to court in violation of the arbitration provision, the other party may apply to the court for a stay of proceeding, and the court, upon the fulfillment of the relevant conditions, shall stay the action in accordance with Sections 4 and 5 of the Arbitration and Conciliation Act.

Disputes can be settled by arbitration if both sides agree to use it. To avoid having to go to a national court of law that would have jurisdiction if the parties hadn't agreed to exclude it, they can instead opt to have their differences settled by a private, judicial body in a process known as arbitration. An award is the term used to refer to the arbitral tribunal's ruling.

Early Neutral Evaluation (ENE): In this scenario, the disputing parties have their case reviewed by an impartial third party who then ranks the merits of each side. This can assist parties involved in the conflict manage their expectations and move forward more efficiently. The conflict can generally be settled amicably after a thorough evaluation.

Multi-door court house: Harvard Law Professor Frank Sander introduced "multi-option alternative dispute settlement" in 1976. This system proposes a central courthouse with several mediation, conciliation, and arbitration entrances. ADR processes are independent but tied to courts and may or may not be judicial. American courts employ ADR more than private parties. The 1999 Woolf Report on "Access to Civil Justice" in the UK and the New Civil Process Rules emphasised court-annexed arbitration and other ADR proceedings.

The High Court of Justice and K.U.B.D. Co. v. Franz Const. Ltd. ruled in 2002 that the same court that ordered arbitration can also enforce the arbitral award. Walk-in cases allow parties to settle with the Multi-door Court without submitting a complaint. The LMDC Practice Guidance states that the Multi Door Courts' main goals are to ensure that everyone has access to justice, relieve the courts, resolve disputes quickly, reduce the parties' expenses and time, promote an atmosphere of accommodation and tolerance, repair the damage caused by the dispute, preserve the status quo ante, and ensure public satisfaction with the justice system. Thirteen Nigerian courts are considering changes similar to the Abuja Multi-Door Courts, a successful FCT conflict resolution instrument. Many states, notably in the Niger Delta, have yet to realise ADR's benefits. Court-connected ADR is unavailable in states without MDC. Impressively, 90% of Lagos Multi Door Court disputes are resolved peacefully within 7–90 days.

Advantages of utilizing the Alternative Dispute Resolution (ADR) process over instituting litigation

While alternative dispute resolution (ADR) may initially cost more than litigation, it typically saves money in the long run. In contrast to litigation, when only portion of the costs are shared equally by the parties, all of the costs associated with ADR are carried by the parties.

The parties' case is more likely to be the only one in ADR, therefore it moves through more quickly than in litigation, where there is competition from other litigants with various cases. Alternative dispute resolution (ADR) takes less time than going to court because of things like adjournments and the parties' unwillingness to cooperate.

It's a lot more relaxed than a courtroom, which is normally a really stressful place to be. It's challenging for the lawyers because there are so many regulations and procedures that must be followed, and it's challenging for the layperson because of the same reasons. It's more appropriate to treat an ADR session like a business meeting, complete with coffee, if necessary. This is why the average person likes this kind of setting so much.

The Coram can be chosen by the disputing parties. This means that individuals get to choose the mediator, arbitrator, or conciliator who will handle their case, but if they can't come to an agreement, the court or an agency can make that decision for them.

Participation in Alternative dispute resolution procedures are party-driven. In contrast to the adversarial process of litigation, parties to an ADR process have control over its timing, location, and pace. The judicial system manages it.

It has positive relationship maintenance. Most forms of alternative dispute resolution (ADR) result in a win-win for all parties involved because they help maintain the relationship that existed between them before the disagreement arose.

Arbitration and mediation help protect the privacy of all involved parties. Unless in limited circumstances, a court proceeding is always open to the public.

In most cases, even in matrimonial proceedings, the former adversaries do not remain friendly. Since it may be necessary to maintain the business connection, alternative dispute resolution (ADR) is especially useful in the commercial sector of law.

It should also be noted that ADR processes are not always fruitful. It has limitations The following are examples of such situations:

i.To a large extent, ADR is not used in criminal matters.

ii. Election petitions are an issue of public policy and therefore cannot be settled by alternative dispute resolution.

iii. Conflict resolution procedures cannot be utilised to settle matrimonial disputes, such as those involving the termination of a marriage, the restoration of conjugal rights, or the nullity of a null marriage.

iv. Controversy about the interpretation of a law, statute, or other legally enforceable document. Only a court has the authority to make such a determination. Injunctions and other emergency relief are sought in these types of cases.

Comparing Alternative Dispute Resolution (ADR) and Litigation

Mediation, bargaining, and conciliation are methods of alternative dispute resolution (ADR). Due to its similarities and litigation obstacles, courts, the bar, and potential plaintiffs have accepted it. Due to its lack of procedural safeguards, critics say it does not replace traditional litigation. Nearly all contracts involve arbitration, which is faster, cheaper, and more acceptable than judicial proceedings. The New Jersey Alternative Procedure For Conflict Resolution Act and the Australian Trade Commission recommend using ADR before going to court.

Alternative dispute resolution (ADR) allows parties to discuss and resolve legal, financial, and emotional issues in a private and confidential setting. Philip (1990) detailed the procedure's origins and evolution, while Okezie (1999) showed that judicial intervention in ADR is not against the disputants' interests. Akpata (1997) describes the development of ADR in Nigeria from precolonial to present times, including pertinent statutes and discussion on each provision. Few Nigerian studies address the topic, for example Akanbi (2018) and Okereke, et al. (2012) examined ADR's conflict resolution efficacy.

Only arbitration and conciliation have statutory structures in Nigeria, limiting the Federal government's dispute resolution ability. This paper makes a convincing case for and offers practical proposals for legalising all forms of ADR. ADR provides greater advantages than litigation, according to Akeredolu (2016). A neutral third party mediates conversations to settle legal disputes outside of court. Mediation, conciliation, arbitration, negotiation, mini-trial, early neutral evaluation, and mediation-arbitration are ADR methods. ADR can be used in sequence or with other adjudicative methods to discover the best solution.

Use of ADR in Cases

Alternative dispute resolution (ADR) helps individuals and societies resolve disagreements and promote peace. It's still uncommon in Nigeria, but it's becoming a viable adjudicatory

alternative. ADR is allowed under the Nigerian Constitution, the Consumer Protection Council, and the Petroleum Act, as well as various state high court precedents. ADR training and tool providers have also proliferated in the private and public sectors. Section 6 of the 1999 Constitution gives the courts authority to judge legal matters, ranging from family, business and community disputes, although individuals can choose how to settle their disputes.

In Egesimba v. Onuzuruike, (2002) 5 NWLR (Pt. 791) 466, Justice Karibi Whyte, JSC, declared that a dispute resolution body or institution's decision is as binding as a court's and functions as estoppel provided the parties voluntarily submit their disputes to it. The Nigerian National Maritime Administration was the first government body to adopt alternative dispute resolution (ADR) clauses in contracts. Industrial contracts have conventional forms that always include arbitration wording, making them unique. Due to increased activity and use, especially in arbitration, the industry expanded in the 1990s despite a bad start. Lagos has a Regional Centre for International Commercial Arbitration by 1999 and the Association of Arbitrators in 1997. Alternative Dispute Resolution (ADR) has been found also useful in the resolution of family and community disputes, resolutely deemphasizing the use of litigation because of the inherent advantages.

Theoretical Framework

This study is situated on Social Conflict Theory. Social conflict theory, as outlined by (Edlye, 2009), view modern society as one in which several factions are constantly at odds with one another. As a result, "the conflict perspective" holds the view that social behaviour is best explained in terms of competition between different social groupings. He defined social conflict as friction that develops from interactions between people or groups. That is to say, this sort of tension arises in the context of a specific social and cultural setting. Hence, a society's normative system contains both the sources of conflict and the means to resolve them. Scholars have developed various ideas over time to explain and understand the causes, consequences, and resolutions of social conflict in human societies. Some who theorise that social conflict is an inherent feature of human interaction offer what they call "social conflict theories" (Edlyne, 2009). Also, the social conflict theory is a theoretical stance founded on the unavoidability of social transformation. All of these agree that change is necessary for human society to advance, but they disagree on the specifics of the change they envision and the mechanisms that will bring it about. Karl Marx is widely acknowledged as the proponent of social conflict who established class struggle as the foundation for social conflict. As far as the social sciences are concerned, Karl Marx is universally acknowledged as the one who first conceptualised the current concept of social strife. Marx was a revolutionary who believed in the ability of the masses to reorganise the social conditions of their life, therefore he was more than just a dedicated thinker. Despite the fact that most of Marx's proposals are now widely rejected in the real world, he was a brilliant and eloquent thinker whose perceptive understandings of the structure of human society continue to astound (Edlyne, 2009). Given that society is prone to conflict due to human nature and the pursuit of self-interest, the social conflict theory is pertinent to this study. Because conflict resolution ultimately rests with the people, alternative dispute resolution strategies can be used as a

practical guide to figuring out how people can get along peacefully without doing away with disagreements entirely.

Empirical Review

Peters (2008) explored ADR, notably under the Nigerian Arbitration and Conciliation Act. The scholar discussed Nigerian customary arbitration cases. To assessed ADR techniques, benefits, and enforcement. Peters (2008) adds that most African indigenous customary law systems accepted clan or tribe elder arbitration. Nigerian courts uphold ADR rulings, the author stated. Unresolved disputes might produce enormous social consequences. Killings, economic collapse, and lawlessness may occur. Community peace requires ADR. According to Peters (2017) ADR is defective. Parties often rejected the arbitral judgement. Our superior courts' voluntary submission and midstream withdrawal rulings allowed parties flexibility. He concludes current arbitration is more complicated. Complexity, legality, and institutionalisation have risen. Despite these difficulties, customary arbitration—which predates modern arbitration and is simpler—seems to have been forgotten. Peters (2017) did not address whether arbitration is necessary, effective, or better than modern arbitration.

Jacques Laubscher (2018) evaluated, ADR understanding, implementation, and benefits in South Africa's construction industry. The study observed that Architects don't use ADR since they don't know how it works. This study's unique feature was surveying all South African architects regarding ADR's methods, implementations, and knowledge. The first of many South African architects' profound ignorance stories. The study found that 58.4% of individuals are unaware of ADR methods and benefits, and 69.4% of architects do not discuss them with clients before signing a contract. These data show many architects may lose their licenses for breaking the law. These findings may encourage the use of ADR in future projects. However, this study did not discuss Nigeria's context, though relevant, which this study intends to address.

Stephen, et al.(2017) defined mediation as third-party intervention. Unlike arbitrators and judges, mediators cannot force parties to settle. Notwithstanding mediation's lack of "teeth," a mediator modifies negotiating dynamics, examines settlement options, learns (typically in separate sessions with each party) about interests the parties are reluctant to share, and develops solutions that fulfil the parties' core interests. ADR systems' role in dispute settlement was also examined. They highly recommended laws to standardise and ease the implementation of these procedures to resolve Nigerian problems. Nigeria alone regulates arbitration and conciliation. Other ADR processes in Nigeria are not legally organised, coordinated, or harmonised, leaving a void in federal corporate dispute resolution. The study explains how crucial a legislative framework for all types of ADR is in settling disputes and suggests practical ways to achieve it. ADR's existence and use in the country should be known. They also suggested including ADR research in all tertiary institutions, using virtual libraries to augment local library collections, holding seminars, conferences, and symposia on ADR, and adopting multi-door courthouses in all States.

Conciliation, according to Brown and Marriott (1994), involves a neutral third party helping conflicting parties reach an acceptable resolution or agreement. They

characterised"Mediation" as an informal, voluntary procedure in which an impartial, trained facilitator and negotiator helps the parties to a mutually agreeable agreement. Oke and Lawal (2017) found that Alternative Dispute Resolution (ADR) can be employed in multi-party disputes to obtain a fair, mutually respectful compromise.The study examined the Lagos State Multi-door Courthouse's cases, resolution methods, time and cost. Mediating and arbitrating disputes saves time and money for the court. The report proposed that building contracts incorporate ADR as a key dispute resolution method. Finally, Kasumu and Onyeonoru (2017) found the Citizens Mediation Centre (CMC) in Lagos State ineffective in resolving landlord-tenant issues. The Lagos Multidoor Courts may not be able to recover premises. Ajomo and Orojo (1999) claimed that arbitration is a peculiar ADR process. Arbitration, an alternative to court action, should be excluded from ADR, the learned authors argued. They proposed a broad arbitration procedure, but Allot (1960) contended that arbitration is not part of customary law and that parties cannot accept arbitrator rulings. Even when native people negotiate or mediate, they often use existing native organisations or groups to arbitrate their disputes and make binding decisions.

Problems Associated with ADR

ADR has pros and cons. They include the process's voluntary and flexible character, the paucity of resources and legislative instruments, and Nigeria's lack of awareness. Conciliation, according to Brown and Marriott (1999), helps conflicting parties reach an acceptable conclusion. A binding ADR procedure cannot be appealed unless an appeals process is explicitly included in the agreement or in exceptional circumstances. One "rogue" arbitrator can severely limit your choices. Although nonbinding, a bad mediator can squander a day or two of time.

There subtly exist conflicting loyalties. Both camps seek "neutrals" who will back up their position. Each side typically selects their own arbitrator, with the third arbitrator (the panel chair) being appointed by the arbitration service. The arbitrators chosen by the parties will side with them. Unless the parties adopt a binding method, negotiations and mediation leading to a settlement are non-binding. When one party refuses or even breaks an agreement, there is no guarantee of resolution. A lot of people think alternative dispute resolution won't cost much. As opposed to the court system, you will be responsible for covering the costs associated with alternative dispute resolution, such as the time of the neutrals, the cost of the meeting or hearing location, the cost of the service and organising the process, the cost of your lawyers, travel, discovery costs, and so on. Expenses can escalate if hearings are postponed due to scheduling conflicts or illness.

Conclusion

Alternative Dispute Resolution (ADR) is an informal, voluntary procedure in which an impartial, qualified facilitator and negotiator helps the parties reach a mutually agreeable solutions. Business, communities, and family dispute programmes use ADR. In Nigeria, the ADR process is becoming an acceptable and best method of resolving disputes. Howbeit, the ADR process, especially the arbitration is not without its disadvantages. One of the major disadvantages of such process is the situation by which a losing party in the arbitration will

institute a court action or file an application in court seeking to set aside the arbitral award on grounds of misconduct of arbitrator or an award has been improperly procured or an award contains decisions on matters not submitted to the arbitrator. However, such application must be filed in court within 3 months after the arbitral award has been delivered. Despite the shortcomings, it has been found useful in the resolution of property disputes, family conflicts, and business disagreements. Its widespread application and appropriation in diverse disputes is hereby recommended.

Recommendations

Based on the findings of this study the following recommendations were advanced. The government of Nigeria should enact appropriate regulations or laws that would promote the use of ADR practice.

The Nigerian justice system, should ensure that effort at mediation using the ADR process was done in an open unbiased way or manner to ensure fairness and justice for all.

There is need to intensify training of justice practitioners in the area of ADR.

Alternative Dispute Resolution mechanisms and processes should be improved on to make it cheaper and more attractive to litigants.

Alternative Dispute Resolution processes should be made cheaper than the present status.

References

Ajomo, M.A. & Orojo. O. J.(1991). *Law and Practice of Arbitration and Conciliation in Nigeria,* Mbeyi & Associates. pp.4-6.

Akanbi, M.M. (2008). *Kwara Multi-Door Courthouse:* An Idea Whose Time Has Come. Being a paper delivered at the formal inauguration of the Committee on the proposed Kwara Multi-Door Courthouse at the High Court of Kwara State on Tuesday, 29th July, 2008.

Akpata, P. (1997). *Promoting the Use of ADR Processes in Court. What is ADR and Practical Exercises on Negotiation and Mediation.* A paper delivered at the Conference of All Nigeria Judges of the lower courts organised by the National Judicial Institute. Lagos: MIJ Publishers

Akeredolu, A.E. 2010. Enforceability of Alternative Dispute Resolution Agreements: What is new under the Lagos Multi-door Courthouse Law? *Nigerian Bar Association Journal* 6.1: 201-212.

Allot, A.N. (1960). *Essays in African Law.* Butterworth, London, England, P.126

Akpomuvie, O.B. &Forae, F.O. (2008). Traditional Conflict Resolution and Management Mechanism in Nigeria. In A. Ohwnona, D. Omotor and A. Atubi (eds.), *Peace Studies and Conflict Resolution,* 5, 109-122. Benin City: Gofem Venture.

Brown, H. & Marriott, A. (1994). ADR: "*Principles and Practice"* Sweet and Maxwell - London (1999) 2nd ed.

Constitution of the Federal Republic of Nigeria (2011), (As Amended).

Coser, L.A. (1956) .*The functions of social conflict*. New York, NY: The Free Press.

Dinah, S. (2010) *Where I Sit and Where I Stand.* Women in International Law Interest Group Luncheon American Society of International Law Proceedings, Vol. 104, pp. 157-160

Edlyne, E.A. (2009). Theories of Social conflict. In M. Ikejiani (2009), eds.), *Peace Studies and Conflict Resolution in Nigeria: A Reader.* Ibadan: spectrum Books Limited.

Lagos State Multi-Door Court Law (2007). *Rules of Courts of Nigeria.* Retrieved from www.lawnigeria.com>lagos state.

Ogbuoshi, L. (2004). "Applying public relation strategies in the resolution of community conflict in Nigeria", in I.K. Nwosu and D. Wilson (eds.) *Communication, Media and Conflict Management in Nigeria,* pp. 162-173.

Okereke, D., Owoade, M.A and Ajai, O.O. (2012). *Legal Education in Ife:* 1962-1987. Ife: University of Ife Press.

Oke, A. E.1 and Lawal, H. O.(2017) Resolution Of Construction Disputes By Lagos State Multi-Door Courthouse (LMDC), *Journal of Construction Management vol xxviii number* 1/04/13

Peters, D. (2008). "Alternatives to Litigation: The Multi-Door Court House Concept" in FassyAdetokunbo Yusuf (Ed), *Issues in Justice Administration in Nigeria,* (Lagos: VDG Intl. Ltd.

Sander, F.E.A. (2010) reprint. *Dispute Resolution Within and Outside the Courts – An Overview of the US Experience. Alternative Dispute Resolution: What it is andhow it Works*. Rao, P.C. And Sheffield, W. Eds. New Delhi: Universal Law Publishing Co. Pvt. Ltd.

Stephen J. Ware & Ariana R. Levinson, (2017). Principles of Arbitration Law, review of resolution agreements. West Academic Publishing; 1st edition.

Thomas, K. (2016). *Five Conflict Resolution Strategies we all use. The participation Blog: Participation Company Navigation*. www.theparticipationcompany.com>article Accessed February 7th 2023.

Qawasmeh, R.A. (2016). "Corporate Governance and Conflict Management" in *International Journal of Business and Social Science.* 7(6). p. 225-229.

Wikipedia (2020). Thomas – Kilmann Model" en.m.wikipedia.org. accessed December 8th 2020.