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THE EFFICACY OF ALTERNATIVE DISPUTE RESOLUTION IN CONFLICT MANAGEMENT IN NIGERIA

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The term Conflict refers to dispute between two or more persons. In most cases, such conflicts are resolved by the Conventional Courts in Nigeria. This method of resolution of conflicts however, has been criticized by scholars for inefficiency and high cost in the process of settling of disputes. Consequently, to remedy these challenges, other processes involving Arbitration, Mediation, Conciliation and Negotiation was introduced to lift the burden of slow adjudication of cases at the conventional courts through its flexible method of settlement of disputes. Thus, the adoption of these mechanisms necessitates faster and cheaper means of dispensing justice in Nigeria and in Africa. Against this background, the authors argued the need to analyse successes recorded by ADR in resolving conflicts in line with the UN peace Charter adopted under the Nigeria law. The paper further demonstrated the challenges of ADR in its implementation and enforcement in resolving conflicts. The authors therefore maintained the importance of ADR in decongesting courts through its inherent flexibility. The authors concluded with a recommendation emphasizing public awareness in resolving disputes in Nigeria. This study adopts a doctrinal methodology by relying on quantitative analysis of primary and secondary sources such as statutes and international frameworks as well as treaties appertaining on alternative dispute resolutions.

Keywords: Mediation; Arbitration; Negotiation; Conciliation, decongestion of courts..

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1. Introduction

Conflict is generally referred to as an unavoidable part of human interaction that spurs disagreement among individuals or groups, leading to prolonged hostility.¹ The disputes often emerge when a group or individual party believes their interest is being undermined by another, which in turn result in struggles for dominance at the other's expense.² Consequently, there has been the need to imbibe an effective mechanism for settling dispute for the sole purpose of achieving peace, justice and social stability in the society.

In Nigeria, conflict is usually resolved through the conventional court and has been the practice since independence. Notwithstanding the impressive record achieved by the conventional courts as a model for dispute settlement in Nigeria, the system is however condemned by scholars for procedural technicality and cost of litigation apparently, leading to congestion in courts. Scholars consider and perceive the challenge of slow dispensation of justice by conventional courts and therefore constitute a breach of the right of the individual to fair hearing within a reasonable time, as stipulated in the 1999, Constitution of the Federal Republic of Nigeria, as amended. They further argued that the more appropriate form of dispute settlement considering the parties involved and the context of the dispute is the ADR which is said to be more effective in resolving conflicts globally.³

The Alternative Dispute Resolution therefore refers to all dispute resolution processes other than the formal court adjudicatory processes. The approach involves negotiation, arbitration and mediation. It is a proactive strategy that prevents conflicts thereby enabling a mutual and friendly relationship between parties. In light of the foregoing, alternative dispute resolution is targeted towards managing conflict before, during and after it might have occurred.⁴ The concept of ADR has gained more recognition and it has served as a mechanism for resolving conflict globally. The formation of the UN International human rights charter of 1945 encouraged and opened a new vista for more peaceful means of conflict resolution, which provides a firm foundation for ADR, as a means of dispute settlement within the national,

¹ I. W Zartman., *Negotiation and Conflict management: Essays on Theory and Practice* (2007)

² S.O. Iroye., *Unpublished Lecture, National Open University of Nigeria, Abuja* (2012)

³ B. Byron, B. Powel and I. Ross., *Barriers to dispute resolution: Reflection on peace-making and relationship between advertorial: Understanding social action, promoting human rights* (2012)

⁴ J. W. Burton., *On the need for conflict prevention. Centre for conflict analysis a resolution* (George Mason University Occasional Papers) 1989

regional and international level.⁵ In fact, Chapter VII of the UN Charter dealing on pacific settlement of disputes under Article 33(1) states that:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first settle dispute alternatively through mediation and reconciliation or any other peaceful means of settling the dispute of their choice.⁶

In light of the above, it becomes an unarguable fact that the UN Charter has institutionalized the ADR as a tool for peace, justice, and development with the aim of ensuring that dispute is resolved through negotiations and dialogue other than war or litigation. Conversely, Nigeria as a party to the UNCITRAL⁷ has adopted ADR as a model of laws and agencies in managing conflict. The Nigerian constitution also complements with the adoption of ADR by UNCITRAL, by enacting a national legislation to incorporate the ADR as part of their national laws which has now metamorphosed into other institutions such as the chartered institute for Arbitrations, Institute for Meditation and Conciliation and the Regional Chambers of Commerce and Industry Arbitration Centres. Today, the Nigerian courts now recognize and enforce arbitration and mediation under Order 2 Rule 1 of the Lagos rule 2019 as one of the fundamental overriding objectives mandating parties to seek peaceful resolution of the disputes with the court as a last resort. Under the Abuja Rules of 2018, ADR is an integral part of civil process. It should be noted that Order 2 rule 7 provides that the Chief Judge of the FCT can refer any matter considered appropriate for ADR to the Abuja Multi-Door Court or to other appropriate ADR Institutions or Practitioners.

Just as the Holy Bible emphasized for a peaceful means of conflict settlement,⁸ legal scholars have also conformed to peace and settlement process and therefore urge for awareness of ADR as a tool for combating conflict, consequent on claim that the practice does not only enhance speedy dispensation of justice, but encourages mutual relationship among individuals involved in disputes. Christopher Moore agrees with this perspective through his pluralistic theory, as he relies on the importance of

⁵ Charter of the United Nation, 1945

⁶ See particularly, AK Anya, *Pacific Settlement of International Disputes: Emerging Contemporary Developments*, (2004) 2 Igbinedion University College of Law Journal, Pp. 219-230

⁷ UNCITRAL Model Law on International Commercial Arbitration adopted June 1985

⁸ The Holy Bible, Matt.5 vs. 9-11 (New Standard edition)

flexibility and sensitivity in resolving conflict.⁹ Moore further proposed that effective dispute settlement may require effective negotiation, mediation, and arbitration, whichever may be applied to suit parties in each case.¹⁰ Furthermore, Fisher, Ury and Patton also propounded the interest-based relational approach as an alternative to conflict management.¹¹ They viewed that IBRA helps to influence the parties involved of their interest other than relying on the positional bargaining which supports divisions. Fisher concludes that the IBRA approach provides mutual gains through solutions that solve the problem for every party and not on a rigid demands and positions. In relation to this principle, Ali observed that:

Negotiation and mediation have been integral parts of the traditional African decision-making process. Traditionally, the elders play special roles such as managing public affairs, keeping the peace, serving as judges, and looking after community welfare.

Drawing attention from the above, the investigation focuses on the efficacy of Alternative Dispute Resolution in court decongestion by examines the subsisting framework, institutional development and practical application. The paper will also analyse the fact and explore relationship between the integration of ADR within the justice system in achieving justice and fairness as well as strengthening public confidence in ensuring timely disposal of cases.

⁹ Moore CW, *The mediation process: Practical strategies for resolving conflicts* (3rd Jissey-Bass) 2014.

¹⁰ *ibid*

¹¹ Fisher R., Ury W., & Patton, B. *Getting to yes: Negotiating agreement without giving in* (2nd ed.) Penguin Books (2011)

2. Nature and scope of development of ADR in the Nigerian Society

In ancient times, African societies usually relied on indigenous mechanisms to resolve disputes. In Namibia and Botswana for example, the Bushmen of the Kalahari Desert developed a mechanism that encourages agreement and harmony. In serious disputes, the men and women in the entire community would assemble to see how the dispute would be resolved as dialogue often continued over several days until a consensus was reached. The process brought about negotiation, mediation, and consensus-building.¹² In modern Nigeria, the system of customary dispute settlement was practiced among the Yoruba, Igbo and Hausa. In the Yoruba community, the *Baálè* who is usually the head of the family usually handles settlement of disputes. However, where issues cannot be resolved within the family, it is referred to the *Mogaji* and the ward *Baálè*. These individuals then preside over disputes within the kingship groups. Moreover, where the *Mogaji* is unable to resolve such matters, it is taken before the king and his council of chiefs, which represent the highest traditional authority.¹³

In a typical Igbo community, the *Obi Eze* and other traditional rulers preside over disputes and they often rely on mediation and reconciliation.¹⁴ The disputes may also be addressed at the lineage, age-grade, women's groups, or association levels. According to Gluckman, reconciliation is the hallmark of Igbo justice as mediators encourage disputing parties to restore solidarity.¹⁵ In most cases, parties to a dispute are required to take oaths affirming their commitment to resume cordial relations. Similarly, in Hausa community, alternative dispute resolution is practiced in both within the community and in the diaspora. This means that wherever the Hausa migrant is settled, they always appoint a leader known as the *Sarkin Hausawa* who is the chief of the Hausa people and he assist to settle disputes by using mediation and

¹² G.B. Silber Bauer, (1981) *Hunters and Herders of the Kalahari: An introduction to the San*. (Cambridge University Press) 1981; Lee, R. *The Bushmen of Southern Africa: Conflict resolution in indigenous societies*. (1979) in J. Doe (ed.). *Indigenous justice systems and tribal society*-Publisher

¹³ P. Héroult & Ors., *Traditional dispute resolution mechanisms in Nigeria*. (Journal of African Law) 2016, 60 (1), 51-70

¹⁴ I. A. Nzimiro & Ors, *The role of traditional rulers in the resolution of disputes among the Igbo in Nigeria*. (*African Journal of Law and Criminology*), 2015 3 (1), P. 45-60

¹⁵ M. Gluckman, *The judicial process among the Barotse of Northern Rhodesia in M. Gluckman (ed.)*, (*African customary law: Modern study*) 1955, P. 73-93

reconciliation. Also, the ward heads known to be the Mai Ungwa also assist the Sarkin and are responsible for the settlement of dispute within the neighbourhood of Sabon Gari settlements. Usually, complex disputes are usually referred to the *Sarkin Hausawa's* court, where chiefs and a council of elders known as the *Ubangari* usually assist him. This shows the depth of indigenous Nigerian approaches to conflict resolution which encourages dialogue, reconciliation, and the preservation of communal relationships.

Following the independence of Nigeria, the conventional court was adopted as a mode of settling disputes. However, these courts were criticized for slow nature of conducting litigation and dispensation of justice. Accordingly, there was the need to introduce Alternative Dispute Resolution into the Nigerian legal system to achieve quicker dispensation of justice. The ADR was thereafter integrated to complement litigation in the conventional courts. As more severe matters were referred to the courts, minor disputes were being resolved through ADR which in turn reduces the case load of judges and providing parties with timely and cost-effective remedies. It became globally recognized and was institutionalized as part of the Nigerian judicial systems due to its structural similarity to court proceedings as arbitrators began to perform the role of judges. With the evolution of ADR, mediation emerged as the preferred option because of its informality as well as flexibility operating to reduce procedural complexities. Thus, as mediation grew into a more suitable means of settlement, the Lagos Multi-Door Courthouse¹⁶ was establishment to commence operations on the 11th June 2002. It was created through a public-private partnership involving the Lagos State Judiciary, the United States Embassy (Democracy & Governance Program), and the Negotiation and Conflict Management Group, a non-profit organization. The LMDC was later given legislative backing when the Lagos State House of Assembly enacted the Lagos Multi-Door Courthouse Law on the 18th May 2007, making it the first court to be connected to an ADR (CC-ADR) centre in Africa. Following the introduction of Lagos multi-door courthouses, similar multi-door courthouses have been established in all the states of the federation.¹⁷ Notwithstanding the establishment of the LMDC, there are other ADR professional institutions such as the Institute of Chartered Mediators and Conciliators, established

¹⁶ [Hereafter, The LMDC]

¹⁷ The Lagos multi-door court house law 2007

in 1999 to train and certify Mediators, Conciliators, and Peacebuilders across the country.¹⁸ Scholars like Craver¹⁹ encourages litigation lawyers and non-lawyers to explore alternative dispute resolution options before approaching the courts as ADR is not intended to replace the conventional courts but to supplement them. In most case, the regular courts do refer cases to arbitration or mediation in the first instance but subject to party consent. This complementary role of ADR is provided for in section 3 of the Arbitration and Mediation Acts which empowers the regular courts with the power to supervise arbitral processes.²⁰

3. The role of ADR in managing conflicts in Nigeria

The application of Alternative Dispute Resolution precludes a clear shift from the conventional court adjudication to a system of reconciliatory approach to settling disputes in Nigeria. It can be in four terms: Arbitration, Mediation, conciliation, and negotiation. They all play a very important role in settling disputes in Nigeria. The law governing arbitration in Nigeria is the Arbitration and Mediation Act and it covers both domestic and international commercial disputes. Arbitration in dispute resolution is a neutral third party (the arbitrator) who is called upon to listen to the arguments of both parties and thereafter gives its final decision. The use of an arbitrator is required most especially when the case requires confidentiality or technical expertise in a commercial dispute. In most cases, an arbitrator may be called upon by a court judge or may be voluntary or contractual, upon which its decision is binding on the parties. The Nigerian courts have given arbitration autonomy and finality over commercial and contractual disputes in Nigeria.²¹ In the case of *Igwego v Ezeugo*, the court held that a party cannot resile from the decision of the arbitrator court because it is unfavourable.²²

However, the decision may be reviewed if the arbitrator exceeds its power or violates principles of natural justice. In the case of *StatOil Nigeria Ltd v NNPC*, the court reaffirmed the principle of party autonomy that parties that voluntarily choose

¹⁸ C. N. Greg, *Arbitrate, avoid the court, & do not litigate* (Journal of Contemporary Legal Issues Abakaliki, Nigeria) 2005 1 (4).

¹⁹ C.B. Craver, *Mediation: Principles and practice* (3rd ed. Aspen Publishers) 2012

²⁰ Arbitration and Mediation Act 2003, LFN 2004

²¹ *Ibid*

²² *Igwego v Ezeugo 2 NSCC 1992*

arbitration are bound by its decision.²³ The principle complements rather than competes with the conventional courts. Arbitration also helps to reduce time, especially in matters that would have stayed for too long at the regular courts. It helps to reduce court congestion. In the case of *Mekwunye v Imoukhuede*, the Supreme Court upheld the decision of the arbitrary court discouraging unnecessary judicial challenges.²⁴ Thus, the decision of the Supreme court had shown the confidence of the arbitrary court in its quick dispensation of justice in decongesting the courts. The use of Arbitration is a mechanism of ADR that stand within the gap of mediation and adjudication.

Mediation as part of ADR is another form of dispute settlement by which parties to a dispute voluntarily appoint the services of a neutral third party to settle conflicts amicably.²⁵ The role of the mediator is not to impose decisions on either of the parties but to facilitate communication, clarify interests, and encourage cooperation between the parties.²⁶ According to Moore, unlike an arbitrator who determines the outcome of a dispute, a mediator acts as a middleman in conveying the messages of interest of the parties by building a problem-solving approach. Though there are no legal principles binding the mediation, but its purpose is to preserve the relationships and interests of both sides. For this reason, mediation is particularly suited for resolving sensitive disputes while maintaining confidentiality.²⁷

One major role played by Mediation was its intervention in the crisis of the IPOB (Indigenous People of Biafra) concerning the release of their leader, Nnamdi Kanu sometime in 2017. The intervention became necessary due to the escalated tension that threatened the country's national security as traditional rulers, religious and political elders assisted in managing the dispute. Other religious organizations like the Catholic Bishops' Conference of Nigeria and the Christian Association of Nigeria among others, acted on moral mediation, advocating dialogue over confrontation. Consequent on the above efforts, the government had no option than to admit the

²³ *Statoil Nig. Ltd v NNPC* 14 NWLR Pt 137 1, 2013

²⁴ *Mekwunye v Imoukhuede* 13 NWLR Pt 1690 539 SC 2019

²⁵ K. A. Mahmud (2005) An Examination of the effectiveness or otherwise of ADR in solving election disputes in Nigeria

²⁶ J. Bercovitch, J. T. Anagnoson, D. L. Wille (1991) Some conceptual issues and empirical trends in the study of successful mediation in international relations. *J. Peace Res.* 28(1):7-17.

²⁷ M.O. Ogungbe, Arbitration & mediation: when is either best suited for dispute resolution? *Nigerian Law: Contemporary Issues, Essays in honour of Sir. G. O. Igbinedion* 2023,319.

IPOB Leader on bail on the 25th of April 2017 through the Federal High Court, Abuja.²⁸

Similarly, Mediation necessitated the out of court settlement in the case of Bodo community (Ogoni) and other Niger Delta communities' v Multinational oil companies (Shell/SPDC, and joint Ventures). It was a claim for compensation for pipeline spills and environmental damage. In this case, Shell opted for mediation and settlement out of court in January 2015 accepting to compensate the host community with 55 million pounds for a clean-up obligation. In December 2022, Shell agreed for more settlements of 15 million pounds and also 15.9m dollars settlement for communities affected with the oil spills. These settlements were with the aid of mediation which was an alternative form of resolving dispute without the intervention of the regular courts.²⁹ Mediation further played a very important role in the 30 years old court civil dispute between two brothers over the ownership of a family land. The case was announced to be settled through the Lagos Multi door court house agreement during mediation.³⁰ The release of the 21 and another 82 Chibok girls during the Boko Haram insurgence in the North East in 2016 was also initiated by mediators involving Catholic Bishops, community leaders, government and international partners like the Swiss government and international committee of the Red Cross. It also led to the release of Dapchi school girls abducted in Yobe state.³¹

Apart from Arbitration and Mediation, Negotiation is also a mechanism for resolving dispute in Nigeria. It is trite to state that while Mediation play the role of a neutral third party, negotiation deals with direct participation with the parties themselves to reach a consensus *ad idem*. Accordingly, negotiation can be said to be a dialogue between two or more parties to resolve points of differences and to gain an advantage for an individual or collective outcome to satisfy various interest.³² One important role of Negotiation in Nigeria was the Presidential Amnesty programme that was initiated by the Federal Government in 2009 by the former late President Umaru Musa Ya Adua to solve the Niger Delta Militancy.³³ The then conflict in the Niger

²⁸ Guardian, 25th April 2017, Court grants IPOB leader Nnamdi Kanu bail This day 29th April 2017

²⁹ www.meida.business-humanrights.org-Shell lawsuit (Re Oil Spills & Bodo Community in Nigeria)

³⁰ TBI Africa 30-year-old court case resolved through mediation.

³¹ BBC News Nigeria Chibok girls released after negotiations 7th May 2017

³² Fisher and Ury, getting to yes 1981

³³ Federal Republic of Nigeria, Presidential Amnesty Proclamation for Niger Delta Militants Abuja 2009

Delta was related to a violent attack on oil facilities and kidnapping, which almost crippled the economy of the country. After several attempts by the government to address the militants through military confrontation, they realized that it was only through negotiation and dialogue that peace could be restored. Consequently, with dialogue between the Federal government and the Leader of the MEND Government Ekpemupolo (aka Tompolo) the presidential Amnesty program was introduced to meet the interest of both parties. While the militants sought for integration, justice and economic inclusion, the government sought disarmament, peace and protection of national assets. The negotiation created the opportunity for the Amnesty proclamation of June 25 2009 where the government offered pardon and rehabilitation of militants that surrendered their arms. The outcome of the negotiation was that the militants agreed to drop their arms as over 30,000 ex militants were granted amnesty, rehabilitated and reintegrated while oil production increased from less than 7000 barrels per day to Two (2) million.³⁴ The principle that was applied in the negotiation was that of interest base bargaining, mutual gains and confidence building.³⁵

Conciliation as another form of ADR settles disputes outside the regular courts. It brings disputed parties before a neutral third party to resolve their differences. The independent third party is known as the Conciliator. The law that establishes and governs this type of ADR is the Arbitration and Mediation Act 2003, which provided under S. 37 that parties to any Agreement, may seek amicable settlement of a dispute by Conciliation. The conciliator is appointed by the parties who intervene directly with the issue by making alternatives that enable the disputed parties to settle their dispute themselves.³⁶ They play the role of an adviser in settling disputed parties. Example of the role of the conciliator was observed in the case concerning the Nigerian Labour Unions v Employers/Federal Government. This led to the Nigerian Association of Resident doctor strike. In that instance, the Federal government through the ministry of labour and the labour management conciliation panels facilitated negotiation/conciliation between the Unions and employers of the government to suspend the 63 days' industrial strike after signing a memorandum with the federal government in February 2022. The conciliation process was able to reconcile differences between the federal government and the unions of resident

³⁴ Vanguard (Nigeria), 25th June 2009. Yar Adua declares amnesty for militants.

³⁵ R. Fisher & Ors., *Supra*

³⁶ D. Kabir, *Towards the Institutionalization of ADR processes in Nigeria*, Ahmadu Bello University Jnl. Private Comparative Law, Zaria-Nigeria. 4(5):248. (2011)

doctors.³⁷ Conciliation as a mechanism of dispute settlement was also used in resolving Boko-haram, Banditry and farmer–herder conflicts. In that instance, the Northern Governors initiated the peace dialogues through negotiation and conciliation with the leaders of the Fulani herders, bandit groups and the community to achieve temporary cease fire which necessitated the return of abducted citizens in some communities.³⁸

Comparatively, it should be noted that the establishment of ADR in other jurisdictions like Ghana has yielded good results as it has proven that settlement out of court is a more suitable means of resolving conflict in Africa.³⁹ This implies that in any instance, where cases are brought before the regular court, the process of ADR is first sought for in resolving the dispute and when settlement is broken down, it is tried in the regular court. Ghana for instance, in their judicial reform in their first mediation sitting in 2003 resolved over 300 pending cases in their regular court within 5 days. Following this achievement, another mediation sitting was instituted in 2007 upon which 155 commercial and family cases from 10 district courts were mediated upon within 4 days and almost 100 cases were fully resolved. Today more than 40 district courts in Ghana have since adopted ADR to reduced backlog of cases. Currently, most of the district courts in Ghana have mediation programs which have significantly reduced the pressure on courts in Ghana.⁴⁰

4. Limitation on ADR in Conflict Management

Although alternative dispute resolution is generally accepted as a preferred means of resolving disputes, it has its challenges, such as limited jurisdiction, restricted enforceability and lack of precedent among others. Jurisdiction for example in most times is limited and not applicable to criminal-related cases of murder, rape, armed robbery and other serious offences. Similarly, disputes related to civil matters such as the dissolution of statutory marriages, election petitions, and the winding up of registered companies in cases of insolvency or bankruptcy cannot be settled under the alternative dispute resolution mechanism but are referred to the regular courts for trials. This implies that though the use of ADR can be referred to as the best from of

³⁷ www.Tvcnews.tv- Resident doctors suspend 63 days old strike.

³⁸ Zamfara state government peace initiative report 2020., accessed on the 19th January 2026.

³⁹ www.Africacenter.org/publication/alternative-dispute-resolution-in-africa-preventing-conflict-and-enhancing-stability Accessed on the 19th day of February 2026.

⁴⁰ Ibid

conflict management, it is not established to replace the conventional courts but to complements the jurisdiction.

Another challenge is the lack of genuineness in negotiations between parties. A good negotiation must be based on good faith between parties and not a tactics for delay but for genuine problem solving engagement. However, government actors and aggrieved groups in Nigeria often approach dialogue as a strategic performance rather than a genuine problem-solving engagement. For instance, the recent negotiation between the Federal government and mediators of Nnamdi Kanu failed because both sides continued to pursue conflicting political and security objectives while negotiating.⁴¹ Another challenge faced with the ADR is the lack of implementation of negotiation agreements as one agreement signed during one administration may not be implemented by the next or other administration based on ideological priority which usually leads to conflict. ADR also suffers enforcement of judgments or agreement emanating from mediation or negotiation unlike the conventional courts where there are strict compliances. For instance, situations where host-community agreements with oil companies in the Niger Delta, were breached which negative effects of hostility in the region. More also, the lack of awareness of ADR especially in the rural areas is another form of limitation as many individuals in our rural communities lack the proper education about mediation centres, arbitration clauses, or community-based ADR platforms, causing them to rely heavily on lengthy and expensive litigation or informal retaliation. According to Ojukwu, in his book entitled “the enlightenment of ADR in Nigeria,” without public awareness through education, ADR will only be useful in the urban areas.⁴²

Lack of judicial precedent is another barrier to ADR in Nigeria. Just as the regular courts has a binding precedence, ADR resolutions are private and confidential and does not provide for any structured body of case law to guide future mediators, arbitrators, and disputing parties. In fact, according to Oluwatoyin, “the

⁴¹ U. U. Ewelukwa, ‘Mediation and Political Negotiations in Nigeria’ *Nigerian Journal of Peace Studies* (2017) 22.

⁴² E. Ojukwu & C. Ojukwu, *Introduction to Nigerian Legal Method*, 2019, p. 254).

undocumented and non-precedential nature of ADR outcomes contributes to inconsistency and unpredictability in its application.”⁴³

Notwithstanding these limitations, ADR still play a significant role in decongesting the courts and helping the entire judicial system. It is said that when ADR is properly utilized, it provides for benefits compared to conventional court litigation. Some of these advantages are that it is less expensive unlike the regular courts where litigation is quite expensive. It is usually very expensive in getting a litigation lawyer and also quite expensive in the filing of court processes, gathering of evidences and other processes that may be filed in the regular court. When compared to Alternative dispute system, the process is far cheaper as it reduces financial burdens on the parties.⁴⁴ In the alternative dispute resolution procedure, parties to settlement are in more control over the proceedings which make it faster to reach a decision unlike the regular court process that takes more time in gathering evidence, filing of papers and undergoing trial procedures. This often leads to delay in justice just as the maxim, *justice delayed is justice denied*.⁴⁵ The alternative dispute resolution also builds on agreements that are binding on parties because parties to the dispute are directly involved in the negotiation and outcome of the settlement. This gives them the satisfaction as to the decisions to settlement. But for the regular courts, parties are usually not satisfied especially the losing party who likely may engage in an unnecessary appeal. The outcome of ADR fosters finality as agreements reached are often mutually beneficial.⁴⁶ It helps to keep relationship after decisions has been reached. It encourages harmony and reconciliation among parties. It tends to strengthen the win–lose outcome of litigation as it preserves relationship between parties. The process of alternative dispute resolution is often private and information obtained is usually kept confidential. But in the regular court, information is open to the public in the open court.

⁴³ A. Oluwatoyin, “The Jurisprudence of ADR in Nigeria,” *Journal of African Law and Practice*, (2020) 87.

⁴⁴ T.J. Stipanowich, *The future of ADR: The role of alternative dispute resolution in modern society*. (Pepperdine Dispute Resolution Law Journal), (2009) 9 (2)

⁴⁵ B. E. Nwankwo, *The impact of alternative dispute resolution on the Nigerian legal system: A critique*. (Journal of African Law) 2015, 59 (1), 75-94.

⁴⁶ Moore, *Supra*, *The mediation process: Practical strategies for resolving conflict* 3rd ed. (Jossey-Bass) 2014

5. Observations

- I. Findings shows that Alternative Dispute Resolution mechanisms are the best form of dispute settlement in Nigeria and other part of West Africa as its aim is to promote justice system in Nigeria and not to usurp the jurisdiction of the courts.
- II. The merits of alternative dispute resolution evidently supersede its demerits. However, these advantages are not fully utilized within the Nigerian justice system.
- III. There is limited information as to the existence of alternative dispute resolution in our justice system. Thus, it reduces its accessibility and wider acceptance.
- IV. The alternative dispute resolution as a form of dispute settlement is not really practiced in Nigeria as a mechanism for achieving sustainable development goals, despite its potential in promoting peace, stability, and social cohesion.

6. Conclusion

The paper have demonstrated the importance of alternative dispute resolution mechanisms such as arbitration, conciliation and mediation, negotiation and hold the view, that it is important to know that litigation is inevitable but not superior to other dispute resolution processes. Where litigation can be used as a means of settlement in the regular court, Alternative dispute resolution may also be used vis-a-vis in settling disputes. Furthermore, as majority of the regular courts have initiated the practice of Alternative dispute resolution for the settlement of dispute, it has afforded enabling platform matters to be resolved amicably thereby reducing costs for litigants, which in turn, has lifted the burden on the court system. Finally, the aim of introducing ADR as a form of dispute settlement is not to undermine the jurisdiction of the courts but complement the judicial process by offering parties flexible cost-effective and relationship-preserving avenues, for resolving disputes. It is concluded that although there are also restriction to alternative dispute resolution mechanisms but the advantages outweighs that of the regular Courts as a means of dispute settlement in Nigeria and other nations.

The paper therefore recommends the need for proper orientation for the awareness of Alternative dispute resolution through education and sensitization by the Government. The Government as well as other professional bodies should train more personnel to

become experts and practitioners in ADR mechanisms. The creation of a Multi-door court system should be established in every states of the federation to harmonize ADR activities and ensure greater access to justice. The Government should encourage the integration of ADR into Nigeria’s sustainable development strategies so as to encourage the use in the settlement of family disputes, civil matters, labour relations, and where it is possible be used in certain criminal contexts such as restorative justice and collective bargaining system. There should be international cooperation in the enforcement of arbitration, conciliation and mediation laws across the globe. The National Assembly and the State Houses of Assembly should ensure that all states of the federation adopt arbitrations in Nigeria. Finally, legal experts should endeavour to include arbitration clauses in their legal documents and advise parties on the merits of such clauses.

