



FEDERAL REPUBLIC OF NIGERIA

National Policy on Arbitration and Alternative Dispute Resolution (ADR), 2024



PRINTED BY FEDERAL GOVERNMENT PRINTER, LAGOS
OCTOBER 2024



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**National Policy on Arbitration
and Alternative Dispute
Resolution
(ADR), 2024**



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**NATIONAL POLICY ON ARBITRATION AND ALTERNATIVE
DISPUTE RESOLUTION
(ADR), 2024**

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(i)

Foreword

It is with great pleasure and a deep sense of responsibility that I write the foreword for the National Policy on Arbitration and Alternative Dispute Resolution (ADR) 2024. This landmark policy represents a significant stride towards enhancing the legal and commercial landscape in Nigeria, positioning our nation as a leading hub for arbitration both regionally and internationally.

Over the years, the practice of Arbitration and ADR in Nigeria has encountered numerous challenges, including inadequate patronage, underdeveloped institutions, and a lack of confidence in our arbitration system by both domestic and international stakeholders. These challenges have, in part, hindered Nigeria's ability to fully leverage arbitration as an effective tool for dispute resolution.

The National Policy on Arbitration and ADR 2024 has been meticulously crafted to address these issues, with the overarching goal of establishing Nigeria as a preferred venue for arbitration and other forms of alternative dispute resolution.

The approval of this policy by the Federal Executive Council (FEC) on 15th July 2024, marks a pivotal moment in our nation's legal history. It reflects the Federal Government's commitment to creating a robust and supportive environment for arbitration, ensuring that our legal frameworks align with international best practices and thus fostering a culture of dispute resolution that is fair, efficient, and effective.

This policy, not only promotes the growth and practice of ADR in Nigeria, but also aligns with our international treaty obligations, particularly under the UNCITRAL Model Arbitration Law, the UNCITRAL Model Mediation Law, and various international conventions to which Nigeria is a signatory. By encouraging a judicial culture that supports arbitration and ADR, this policy seeks to reduce the burden on our court system, expedite the resolution of commercial disputes, promote ease of doing business and, enhance investor confidence.

Furthermore, the National Policy on Arbitration and ADR 2024 outlines clear guidelines for the selection of Arbitrators, engagement of Counsel, and the development of a comprehensive Code of Conduct for Arbitration and ADR practitioners. It also emphasizes the importance of capacity building, public awareness, and continuous review of our arbitration laws to ensure they remain responsive to the dynamic global landscape.

I commend the Office of the Honourable Attorney-General of the Federation and Minister of Justice, as well as the esteemed members of the National Policy on Arbitration and ADR 2024 Committee for their dedication and expertise in developing this policy. Their efforts have resulted in a document that, not only serves as a blueprint for the future of arbitration practice in Nigeria, but also a testament to Nigeria's commitment to justice, fairness, and the rule of law.

As we move forward, it is my hope that this policy will be implemented with the vigor and dedication that it deserves, ultimately transforming Nigeria into a centre of excellence for Arbitration and ADR in Africa and beyond.

LATEEF O. FAGBEMI, SAN
*Attorney-General of the Federation
and Minister of Justice*

NATIONAL POLICY ON ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION (ADR), 2024



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PART ONE

1.0. BACKGROUND

The National Policy on Arbitration and Alternative Dispute Resolution (ADR), 2024 is designed to drive the implementation of Themes 7 (Alternative Disputes Resolution(ADR)); 17 (Commerce and Economic Activities), and 20 (Compliance with Treaty Obligations) of the National Policy on Justice (NPJ), 2024. The NPJ, 2024 is, in broad terms, a declaration of a national aspiration for the Justice Sector towards ensuring that it plays its expected role in national development. It provides the mechanism for articulating and resolving cross-institutional issues while also providing the platform for building national consensus on justice issues.

The practice of arbitration and ADR in Nigeria, over the years, has faced a number of issues including lack of adequate patronage and institutional development. It is in order to address these challenges that a committee to develop a National Policy on Arbitration was constituted by the Federal Government. At the Committee's inauguration, the then Honourable Attorney-General of the Federation and Minister of Justice, ABUBAKAR MALAMI, SAN, CON, stressed the need for a Policy to create the much needed framework to make the arbitral process more attractive in Nigeria and for investors outside of Nigeria. It is towards this end that the policy is to position Nigeria as an attractive arbitration hub for domestic, regional and international commercial arbitrations. This would in turn create the enabling environment for both local and foreign investors to adopt arbitration as the dispute resolution mechanism in the Federal Government of Nigeria (FGN)'s contractual engagements while partnering with the FGN to deliver public utility and commercial projects across the different sectors of the economy.

2.0. GOAL OF THE NATIONAL POLICY ON ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION (ADR), 2024

The goal of this policy is to establish fundamental principles to guide the Federal and State governments' participation in arbitration references, position Nigeria as an attractive arbitration hub for domestic, regional and international commercial arbitration whilst protecting national interests.

3.0. PURPOSE OF THE NATIONAL ARBITRATION POLICY

These are to :

- (a) promote the implementation of Nigeria's treaty obligations under various International Arbitration Conventions;
- (b) promote the growth and practice of Alternative Dispute Resolution (ADR) in Nigeria;
- (c) promote implementation of the UNCITRAL Model Arbitration Law on arbitration and UNCITRAL Model Mediation Law;
- (d) encourage a judicial culture that supports arbitration and ADR;

(e) provide a framework for the continuous review of arbitration legislation to ensure optimal conformity with the fundamental tenets of international arbitration as reflected in the UNCITRAL Model Arbitration Law, UNCITRAL Model Mediation Law, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) and Convention on International Settlement Agreements Resulting From Mediation (Singapore Convention), (including party autonomy and minimal judicial intervention);

(f) build confidence in and to promote the growth of Nigeria's arbitration laws and institutions;

(g) complement efforts to stimulate the Nigerian economy and attract foreign investment;

(h) encourage settlement of disputes of commercial transactions emanating from Nigeria, in Nigeria;

(i) strengthen capacity of personnel that are tasked with the responsibility of managing arbitration in Nigeria;

(j) enhance infrastructure required to set up arbitration hub in Nigeria for critical stakeholders (arbitration community);

(k) encourage reciprocity for arbitration and ADR experts;

(l) present a number of measures and policy direction that the Federal and State MDAs should adopt to indicate the country's consolidated approach for negotiating arbitration and ADR agreements, and participating in arbitral proceedings, in order to avoid the pitfalls prevalent in the current unstructured process; and

(m) ensure that the inclusion of ambiguous arbitration agreements in FGN contracts never recurs and the FGN is able to manage the conduct of arbitration arising from previously negotiated arbitration agreements.

1. Some international conventions to which Nigeria is a signatory to include

- Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention)
- Convention on International Settlement Agreements Resulting From Mediation (Singapore Convention)
- The Revised Treaty of the Economic Community of West African States;
- The Convention on the Settlement of Investment Disputes between States and Nationals of Other States 1965, which prescribes that disputes between an investor and the state will be resolved by arbitration; and The Nigeria-Morocco Bilateral Investment Treaty, which was signed on 3 December 2016 with the aim of improving bilateral trade relations and strengthening the business relationship between the two countries.

4.0. SCOPE AND METHODOLOGY OF THE NATIONAL POLICY ON ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION (ADR), 2024

4.1. SCOPE

The scope of the Policy includes :

- (a) domestic commercial arbitration, and
- (b) international commercial arbitration
- (c) Alternative Dispute Resolution

4.2. METHODOLOGY

This Policy was developed through a consultative process involving specialists and experts in the field of arbitration and ADR as well as representatives of relevant government institutions, including the academia. The Committee took into cognizance, the extant laws and relevant themes in the NPJ, 2024. The Committee met several times during which it extended invitation to the public for Memoranda, especially from the Arbitration Community both within and outside Nigeria. Thereafter, the draft Policy was exposed to the National Stakeholders' Forum to garner ideas to further enrich the Policy before subjecting it to validation and adoption by all critical stakeholders.

PART TWO — THEMATIC AREAS AND INTERVENTIONS

5.0. FEDERAL GOVERNMENT OF NIGERIA'S GUIDELINES ON DISPUTE RESOLUTION CLAUSE

The Federal and State MDAs and their counterparties are at liberty to agree on any arbitration rules that will apply to their disputes. Where there is no such agreement, the Arbitration Rules or rules of other ADR mechanisms under the relevant extant statute in Nigeria shall apply.

For uniformity, model language to be adopted by the Federal and State MDAs in drafting the relevant dispute resolution clauses are provided in the Schedule to this Policy.

6.0. SELECTION OF ARBITRATORS

Where the parties agree that the arbitral tribunal shall comprise of three (3) arbitrators, the arbitrator to be appointed by the Federal and State MDAs shall be an ADR expert with the requisite qualification and competence to act as an arbitrator; provided that, in International Commercial Arbitration involving Federal/State MDAs, the HAGF/HAG of the State may request the Director of RCICAL to appoint suitably qualified and competent Nigerian arbitrator(s) for the Federal/State MDAs.

Where the parties agree to appoint a sole arbitrator, the sole arbitrator shall be a suitably qualified and competent Nigerian arbitrator.

Where the parties fail to agree on the procedure of appointment and/or the appointing authority, the HAGF/HAG of the State shall request the RCICAL or any other Centre to appoint suitably qualified and competent Nigerian arbitrator(s) for the Federal/State MDAs. In all cases, any appointment in regard to a dispute with claims above the threshold of the sum of N50million, shall only proceed with the approval of the HAGF/HAG.

Where the claim is below the threshold of N50million, the parties may appoint without recurs to the HAGF/HAG.

Where a party fails to appoint counsel within a prescribed time, the RCICAL can appoint one on behalf of the defaulting party². Appointment of arbitrators for Nigeria should be by HAGF or the HAG State as the case maybe, in compliance with the criteria set forth.

7.0. CRITERIA FOR ENGAGEMENT OF COUNSEL

The Federal and State MDAs shall adopt a clear and transparent process for engaging Nigerian counsel in arbitration and ADR proceedings; Provided that foreign counsel to be engaged (where necessary) is communicated to the Nigerian counsel engaged by the Federal and State MDA.

Where a foreign counsel is engaged on grounds of experience and expertise the foreign Counsel shall partner with Nigerian counsel for the Nigerian counsel to gain hands-on experience in the course of the prosecution of the case.

² Extant Government circulars SGF/PS/CIV/625/1/1 dated 16 July, 2003, SGF/PS/CIV/625/1 dated 12 July, 2010, SGF.6/T/172 dated 15 October, 2012, SGF/PS/CIV/625 dated 24 June 2013 and HAGF/CIV/2018/1 dated 15 August 2018 emphasised the involvement of HAGF in negotiation of Agreements on behalf of Nigeria and the need to seek the approval of HAGF PRIOR to engagement of external representation for any Government matter and payment of professional fees to the external counsel.

The choice of counsel shall be entirely based on merit and will have significant consideration for the technical ability, international arbitration and ADR expertise and depth of experience of the counsel and/or law firm to be engaged for each dispute.

The choice of both Nigerian and Foreign counsel must however be done using reasonable selection criteria of person so qualified. The Nigerian counsel can also suggest a foreign counsel to the HAGF/HAG State for consideration.

8.0. CODE OF CONDUCT FOR ARBITRATORS/COUNSEL/ADR PRACTITIONERS

Arbitration and ADR institutions are encouraged to consider the development of a unified code of conduct and ensure enforcement.

9.0. REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION

The FGN shall comply with the implementation of the terms of the Treaty with Asian African Legal Consultative Organisation (AALCO) as it relates to RCICAL with respect to funding, through annual grant, provision of a befitting structure including equipment and facilities of international standard, and recruitment of qualified professional staff. This should be submitted for further consideration by the Office of the HAGF.

The Government shall take steps to amend the RCICA Act Cap R.5 LFN 2004 to reflect the terms and obligations in the Headquarters Agreement 1999 as amended in 2015.

10.0. CONTRACT, NEGOTIATION, DRAFTING, AND ARBITRATION MONITORING

10.1. FEDERAL MDAs

Capacity of the Federal Ministry of Justice as well as other personnel that are tasked with the responsibility of managing arbitration and ADR processes in Nigeria shall be developed for the purposes of contract negotiation, drafting, and implementation monitoring.

The Federal Ministry of Justice shall be tasked with the responsibility of :

(a) participating in the negotiation and drafting of commercial contracts involving The Federal and State MDAs, especially where foreign parties are involved;

(b) monitoring implementation of contracts involving The Federal and State MDAs involving foreign parties;

(c) monitoring ongoing commercial arbitration and/or proceedings and arbitration or ADR related matters involving the FGN before a court of law. A bi-annual report shall be provided by the Civil Litigation Department to the Honourable Attorney General of the Federation.

10.1. STATE GOVERNMENTS AND MDAs

Capacity of the State Ministries of Justice as well as other personnel that are tasked with the responsibility of managing arbitration and ADR processes in the States shall be developed for the purposes of contract negotiation, drafting, and implementation monitoring. The State Ministries of Justice shall be tasked with the responsibility of :

(a) monitoring implementation of contracts involving The State MDAs involving foreign parties,

(b) monitoring ongoing commercial arbitration and/or proceedings and arbitration or ADR related matters involving the States before a court of law. A bi-annual report shall be provided by the Civil Litigation Department to the Honourable Attorney-Generals of the States.

All disputes that emanate from investment agreements should be centrally managed by a team comprising of representatives of the FMOJ/SMOJs and relevant officers in the Nigerian Investment Promotion Commission (NIPC), so that the learnings from the experience of managing disputes feeds into future IIA negotiation processes.

11.0. NATIONAL ARBITRATION AND ADR REGISTER (COMMERCIAL AND INVESTMENT ARBITRATION AND ADR PORTFOLIO)

All Federal and State MDAs shall provide in detail, full particulars of all ongoing and pending investment or commercial arbitration cases or ADR proceedings before any arbitral tribunal or arbitration or ADR related matter before a court of law in a register to be maintained and kept by the FMOJ/SMOJ. The Federal and State MDAs shall furnish to the FMOJ/SMOJ, copies of the Arbitration and/or ADR Agreement in the pending investment or commercial arbitration or ADR matters.

12.0. REPOSITORY FOR BILATERAL INVESTMENT TREATIES

The Federal Ministry of Justice shall be the repository of all existing Bilateral Investment Treaties (BITs) between Nigeria and other countries. Therefore, all treaties entered by the federation and any other country shall be deposited with the Federal Ministry of Justice for record purposes. Further to its obligation under section 5 of the Treaties (Making Procedure, Etc.) Act, 2004, the Federal Ministry of Justice shall maintain an up-to-date register of treaties, which shall be open at all reasonable times for inspection by members of the public.

13.0. SEAT AND VENUE OF ARBITRATION

Currently, almost all arbitration cases to which Nigeria is a party, have the Seat and venue of arbitration outside the Country due to challenges like lack of adequate infrastructure, international patronage, enforcement issues, perception/publicity etc. Given the current efforts at reforming the justice sector therefore, preference of Nigeria as the Seat and venue of arbitration will encourage investment, drive economic development as well as improve arbitration and ADR practices and culture amongst arbitrators, ADR and other relevant professionals in Nigeria.

To achieve the foregoing, the Government and private institutions commit to :

- (a) preference of the Seat and venue of arbitration to be in Nigeria.
- (b) stipulate Nigeria as the Seat and venue of all arbitrations involving Nigeria's governmental bodies with the RCICAL as the default appointor, where necessary.
- (c) where cases are within a particular monetary threshold involving state governments/ Agencies; such cases should undergo ADR at the MDCs. The FMOJ shall issue guidelines from time to time with regards to the thresholds.
- (d) private sector entities are encouraged to utilise ADR in the first instance at the MDCs and other Government ADR Centres.
- (e) the government shall encourage the judiciary to establish special courts, including small claims commercial courts, and specialised divisions of the judiciary as well as the expansion and strengthening of ADR centres in order to promote fair and expeditious resolution of commercial disputes, reduce delays and encourage the development of suitable skills and specialisation.

This includes electronic filing, programme for retraining and reorientation of the judiciary on the importance of creating an enabling business environment and other good and tested practices for speeding up trial of commercial cases in line with Theme 17 of the National Policy on Justice, 2024)

14.0. LEGISLATIVE FRAMEWORK

Federal and State governments commit to regularly enhance enabling legislative framework for arbitration and ADR in the country.

15.0. ROLE OF THE COURTS: NATIONAL JUDICIAL POLICY ON ARBITRATION

Further to the Circular³ issued by the former Chief Justice of Nigeria, Hon Justice Walter Samuel Onnoghen, GCON, all Heads of Courts throughout the federation are encouraged to comply with the Directive and issue specialised rules to fast-track proceedings and conduct efficient determination of arbitration related matters.

The judicial policy shall enjoin courts to refrain from entertaining actions in respect of a contract in which the parties have included an arbitration clause, without first giving effect to the arbitration clause.

Courts are encouraged to stay proceedings in actions where it is satisfied that there is no reason why the matter should not be referred to arbitration in accordance with the arbitration clause.

All Heads of Courts throughout the federation are encouraged to designate one or more courts, as may be necessary, having regard to the volume of cases pending or likely to be instituted in the relevant court, for the hearing and determination of arbitration related matters.

The Judiciary would be encouraged to develop a practice direction on Arbitration and Alternative Dispute Resolution.

The courts are enjoined, in deserving cases, to award punitive costs against lawyers and litigants that use the instrumentality of the Courts to frustrate arbitration and ADR.

Judicial proceedings arising from arbitration and ADR, shall be determined by the courts within a period not exceeding 60 days from the date of filing the proceedings before the Court. This should be subject to agreement of the court. Heads of courts should consider this in line with the rules of courts.

In the case of an appeal arising from the decision of the court of first instance, the appeal shall be determined within a period of 270 days from the date of filing the appeal. This should be in agreement with the heads of courts and in line with the rules of courts.

All appeals from arbitration/ADR matters shall terminate at the Court of Appeal.

16.0. SMALL CLAIMS ARBITRATION

The small claims arbitration provides and facilitates access to justice for socially and economically disadvantaged people. The process/ procedure of a small court is to provide a cheap and speedy process devoid of technicalities and complexities associated with the regular court procedure (litigation).

16.1. LEGAL FRAMEWORK FOR SMALL CLAIMS ARBITRATION

The Chief Judges of the Federal and States High Courts would issue practice directions to establish a Small Claims Procedure (which has features of Arbitration) and Court, while they explore the enactment of enabling laws to back up the establishment and setting up of these courts.

16.2. JURISDICTION OF THE SMALL CLAIMS ARBITRATION

The Small Claims Court, deals primarily with claims for :

- (i) Debt recovery not exceeding Five Million Naira (N5,000,000.00)
- (ii) Breach of contracts
- (iii) Landlord and Tenant matters
- (iv) Consumer rights issues, where the amount claimed does not exceed Five Million Naira (N5,000,000.00)

16.3. PROCESS OF INSTITUTING A SMALL CLAIM

(i) The claimants can personally fill out the small claims forms in any small claims court without the need for legal representation and the amount claimed should not exceed ₦5,000,000.00 naira.

(ii) The form is sent to the Small Claim Registry and a filing fee paid.

(iii) Hearing notices is thereafter issued and served.

(iv) On the date of the hearing parties are to present their respective cases personally without the need for legal representation.

(v) The judge delivers the judgment after hearing the parties.

(vi) The entire period of proceedings from filing till judgment should not exceed (60) sixty days. However, the fact that delivery of a judgment exceeds 60 days does not render it invalid.

16.4. ENFORCEMENT OF JUDGMENT OF SMALL CLAIMS

The judgment will be enforced like any other court judgment within the respective states.

16.5. APPEALS OF SMALL CLAIMS

A small claims judgment can be subject to an appeal by the submission of an appeal form through the Small claims registry for onward transmission to the fast track registry of the Federal or State High Courts. It will then be assigned to a Judge of the fast track court designated to hear appeals from small claims courts.

A notice of hearing for the appeal is issued to the parties.

On the date set out for the hearing of the appeal, the appeal is heard and determined on the oral hearing, and the records of appeal. Judgment is then delivered.

The whole process from the assignment of the Appeal to the delivery of judgment shall not exceed thirty (30) days.

17.0. IMPLEMENTATION OF THE NATIONAL POLICY ON ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION (ADR), 2024

Where one of the parties in any contract is a Federal or State MDA, the party shall be required to comply with this Policy.

The HAGF/HAFs of the State shall ensure the effective implementation of this Policy.

18.0. PUBLIC AWARENESS.

(i) Training and public awareness is critical to the development of capacity, infrastructure required for arbitration, ADR and implementation of Extant Laws and the Policy.

(ii) Government will collaborate with Private sector stakeholders to create awareness strategies to ensure that relevant stakeholders are carried along in the development and implementation of the validated and adopted National Policy on Arbitration and ADR, 2024;

18.1. TRAINING

(a) Federal and State governments commit to expand ADR skills and knowledge among judicial officers on Arbitration and ADR through training by capacity-building institutions;

(b) Federal and State governments commit to train State Counsel and other relevant public officers in Arbitration/ADR in order to enhance their skills and knowledge;

(c) Federal and State governments further commit to introducing Arbitration and ADR courses into the curriculum of law faculties, law school and continuing legal education for lawyers;

(d) The Federal and State governments commit to partner with the private sector to leverage existing platforms to create awareness on the adoption of arbitration; and

(e) The Federal and State governments commit to properly fund the training of public officers for the effective and efficient discharge of their duties.

18.2. STRATEGY FOR TRAINING

The Government would encourage the Private sector to adopt arbitration and ADR in resolving commercial disputes rather than the frequent recourse to the regular courts to address commercial disputes. This can be done through the various Chambers of Commerce and professional business platforms or associations or the various Arbitration Institutes.

Trainings shall be for both lawyers and non-lawyers alike.

PART THREE

19.0. IMPLEMENTATION AND REVIEW OF THE NATIONAL ARBITRATION AND ADR POLICY

The Policy shall be implemented for five years and thereafter be reviewed to accommodate the prevailing trends in Arbitration and ADR practices.

Establishment of an Advisory Council made up of Arbitration, ADR experts and the President of the NBA to advise the HAGF/HAFs. The responsibilities of the Council, which shall be appointed by the HAGF/HAFs meet twice in a year to be coordinated by the Solicitors Department.

The Council shall be responsible for :

(i) Monitoring and evaluation of the implementation on the policy

(ii) Engaging with stakeholders

(iii) Advising the HAGF on areas of review and improvement from time to time.

(iv) Advise the HAGF on regional and international development

The composition includes :

- (i) Stakeholders (public and private);
- (ii) Academia; and
- (iii) Practitioners.

SCHEDULE 1
MODEL CLAUSES

“Any dispute, difference or controversy which arises out of or in relation to or in connection with this agreement (the Dispute) the Parties hereto shall attempt to resolve the Dispute by negotiation between senior executives of the Parties to the agreement. Within 7 (seven) days of the receipt of a notice of dispute (which notice shall request for negotiations), the senior executives of the parties to the agreement shall meet at a mutually acceptable time and place and attempt to resolve the Dispute.

If the Dispute is not settled through negotiations within 10 days from the date of receipt of the Notice of Dispute, the Parties shall endeavour to settle the Dispute by mediation to be conducted by a sole mediator (except where otherwise agreed by the Parties) mutually agreed by them. Where the parties fail to agree on such appointment, the sole mediator shall be appointed by the designated authority. The Parties shall attend or be represented at the mediation by their representatives who shall have full authority to settle the Dispute; provided that nothing shall prevent the mediation from being conducted online or virtually. Parties shall bear the costs of the mediation in equal shares, unless otherwise agreed by the Parties. In the event that the Parties are unable to settle the Dispute by Mediation within 30 days of the appointment of the mediator as herein provided, the Dispute shall be settled by arbitration conducted under provisions of the Arbitration and Mediation Act, 2023 (AMA) or any amendment or re-enactment thereto, provided that nothing herein shall prevent the Parties from attempting to settle the Dispute by mediation after the commencement of arbitration proceedings.

The language to be used in the arbitral proceedings shall be English language. The decision of the arbitrators shall be final and binding on the Parties. Any monetary arbitral award shall be made and payable in the currency in which the contract is denominated.

The period from commencement (of arbitration) to the issuance of a Final Award shall be determined by the parties.

Without prejudice to any other rights or remedies that may be available to them, the Parties hereto acknowledge and agree that damages alone may not be an adequate remedy for any breach by either of them of the terms of an Agreement and that the remedies of injunction and specific performance as well as any other equitable relief for any threatened or actual breach of the provisions of an Agreement may be more appropriate remedies.

Therefore, nothing in this clause shall be construed as prohibiting a Party from commencing an arbitration or applying to the court of competent jurisdiction for interim or emergency relief prior to the service of a notice of dispute or completion of steps set out in this dispute resolution clause.

It is agreed by the Parties that commencement of arbitration shall be deemed to suspend the limitation period applicable to the Dispute.

Where a meeting cannot be held, or the Dispute can be determined in the arbitration fairly otherwise than by physical meeting or hearing, as determined by the arbitral tribunal, the meetings or hearings shall be conducted virtually in accordance with the Africa Arbitration Academy Hearing Protocol 2020 except otherwise determined by the Parties, and any procedural order as may be issued by the arbitral tribunal. It is hereby agreed that no objection shall be taken to the decision, order or award of the arbitral tribunal on the ground that a meeting or the hearing regarding the Dispute was conducted virtually.

Any period of time contained in this dispute resolution clause may be extended by the agreement of the Parties”.

DEFINITIONS

LIST OF ABBREVIATIONS

AALCO	— Asian African Legal Consultative Organisation
ADR	— Alternative Dispute Resolution
BIT	— Bilateral Investment Treaties
CBN	— Central Bank of Nigeria
CON	— Commander of the Order of the Niger
FCI.Arb	— Fellow of the Chartered Institute of Arbitrators
FGN	— Federal Government of Nigeria
FMoJ	— Federal Ministry of Justice
GCON	— Grand Commander of the Niger
HAGF/HAG	— Honourable Attorney General of the Federation
IIA	— International Investments Agreements
MDAs	— Ministries, Departments and Agencies
MDC	— Multi-Door Courthouse
NPJ	— National Policy on Justice
NIPC	— Nigerian Investment Promotion Council
NPA	— Nigerian Ports Authority (NPA)
NNPCL	— Nigeria National Petroleum Corporation Limited
NSIA	— Nigeria Sovereign Investment Authority
RCICAL	— Regional Centre for International Commercial Arbitration
SAN	— Senior Advocate of Nigeria
SGF	— Solicitor General of the Federation
SMoJ	— State Ministry of Justice
UNCITRAL	— United Nations Commission on International Trade Law

DEFINITION AND INTERPRETATION

“*Administration of Civil Justice Bill*” refers to a proposed bill in several State Houses of Assembly in Nigeria aimed at enhancing the administration of civil justice and deepening democracy.

“*Bilateral Investment Treaties*” refers to all treaties entered into between Nigeria and other countries deposited with the Federal Ministry of Justice.

“*Concession*” means the grant of rights, property or Interest in property by the government to a Nigerian or foreign company.

“*Fiat*” means the authoritative or arbitrary order of the Attorney-General of the Federation or State as the case may be.

“*Heads of Courts*” refers to the presiding justices in all the superior courts of record in Nigeria.

“*Justice Sector Reform*” refers to all the state and federal efforts aimed at enhancing the efficiency and fairness of justice delivery in the Nigerian judicial sector.

“*Mandatory law*” refers to legal instruments that are required or obligatory.

“*Ministry of Justice*” refers to the Federal Ministry of Justice which is the legal arm of the Federal Government of Nigeria, primarily concerned with bringing cases before the judiciary that are initiated by the government.

“*Multidoor Courthouse*” refers to the Multidoor Courthouse set up by a state other than the regular courts.

“*National Stakeholders*” Forum” refers to the Nigerian initiative for civil society organisations to have a systematic engagement among each other and have open conversation with the government.

“*Part autonomy*” refers to the private rights of individuals or companies taming their contractual affairs without coercion from the government.

“*Seat*” means the juridical home or domicile of an international arbitration.

“*Venue*” refers to the location the arbitration proceedings will take place or where the arbitrators agree to meet amongst themselves or with the parties.

“*Soft law*” means quasi-legal instruments that are not legally binding.

“*Treaties*” means formally concluded and ratified agreements between Nigeria and other states.

“*stakeholder*” refers to Institutions and Practitioners involved in Arbitration and Alternative Dispute Resolution

Annexure 1— List of Members of the National Policy on Arbitration and Alternative Dispute Resolution (ADR), 2024 Committee.

The National Policy on Arbitration and ADR, 2024 Committee was inaugurated by the Honourable Attorney General of the Federal Republic of Nigeria, ABUBAKAR MALAMI, SAN on the 13th of October, 2020 at the HAGF's Conference Room, Federal Ministry of Justice Shehu Shagari Way, Central Area Abuja, Nigeria with the following as members:

1. Dr. Olisa Agbakoba, SAN, OON, FCI.Arb, *Chairman*
2. Mr. A.B Mahmoud SAN *Member*
3. Mrs B.E. Jedy-Agba, OON, mni. *Member*
4. Dayo Apatata, SAN *Member*
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