

## Abstract

A Multi-door Courthouse is a Court-Connected Alternative Dispute Resolution Centre which offers different forms of alternative dispute resolution processes. These centers are independently run and managed, but are attached to a specific court (in the case of Kano, Anambra, Abuja and Lagos-the High Court of each respective State). The essence and place of ADR mechanisms in the national and international commercial and business relationships are obvious. Under the MDCH system, the court premises are enhanced to accommodate not only the traditional (mono-door) dispute resolution avenue of litigation, but also other dispute resolution avenues (or multi-doors'). In jurisdictions with established MDCH, cases filed in court are screened during the intake stage in order to determine the appropriate 'door' to be used. This paper found out that due to the enormous advantages of this process, it is now an attractive option for the resolution of disputes in Nigeria. The aim of this paper is to examine the legal and institutional frameworks for the practice and procedure of Multi-Door Court Houses or Court Connected ADRs in Nigeria. The methodology adopted in this research is doctrinal. It relied on both primary and secondary data. This paper concluded that the introduction of Multi-door Courthouses in Nigeria has revolutionized alternative dispute resolution processes by integrating them into the regular Court system.

**Keywords:** Alternative Dispute Resolution, Multi-Door Courthouse, Court-Connected ADR, Practice and Procedure, Arbitration and Mediation Act

## 1. Introduction

Disputes are inevitable in any societal context. Human beings are bound to disagree on and at almost every point in life, as long as they interact. In human relations therefore, disagreements and disputes are bound to occur<sup>1</sup>. Man has been described as a gregarious animal and thus disputes must occur in the course of co-existence and interactions in daily activities. Dispute Resolution as the name implies is the settling of conflicts. The course of settling disputes may involve litigation or any of the Alternative Dispute Resolution mechanisms (ADR)<sup>2</sup>. The legal framework governing the application of ADR or CCADR such as the Multi-Door Courthouse Scheme in Nigeria comprises a combination of international instruments, national policies, laws and institutions regulating the practice and procedure of these processes in Nigeria. This paper examines the legal framework for the practice and procedure of Multi-Door Court Houses or Court Connected ADRs in Nigeria. It extensively discusses all the relevant international and national legal frameworks relating to ADR or CCADR such as the Multi-Door Courthouse Scheme in Nigeria making reference to some of the main provisions contained in the said framework where necessary. This paper also examines some institutional frameworks relating to these processes.

## 2. International Legal Regime

The international frameworks on ADR or CCADR such as the Multi-Door Courthouse Scheme in Nigeria are the various international instruments such as laws, treaties, conventions, principles and protocols relating to ADR or CCADR such as the Multi-Door Courthouse Scheme in Nigeria. This paper discusses Foreign Judgment Reciprocal Enforcement Act, United Nations Commission on International Trade Law (UNCITRAL) Model Law, United Nations Commission on International Trade Laws (UNCITRAL) Arbitration Rules, and Convention on the Recognition and Enforcement of Foreign Arbitral Awards

### Foreign Judgment Reciprocal Enforcement Act<sup>3</sup>

This Act makes provision for the enforcement in Nigeria of judgment given in Foreign Countries which accord reciprocal treatment to judgments given in Nigeria. It therefore, facilitates the enforcement in Foreign Countries of judgments given in Nigeria. The enforcement of such foreign judgments is to be sought at the High Court of a State or the Federal Capital Territory, Abuja or the Federal High Court<sup>4</sup> In as much as the Act refers to judgment it has in its interpretation section defined judgment to mean thus: 'A judgment or order given or made by a court in any civil

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<sup>1</sup> K Aina, 'The Multi-door Court House Concept: a Silent Revolution in Legal Practice' (June 2008) 6 (1) *NBLPJ*,

<sup>2</sup> Alternative Dispute Resolution

<sup>3</sup> Cap F 35 Laws of the Federation of Nigeria 2004.

<sup>4</sup> Foreign Judgment (Reciprocal Enforcement) Act 2004 S. 2(1)

proceedings and shall include an award in proceedings on an arbitration if the award has in pursuance of the law in force in the place where it was made become enforceable in the same manner as a judgment given by a court in that place, ...<sup>5</sup> This provision brings arbitral award within the purview of the Act. Under this Act a party may apply to a superior Court in Nigeria at any time within six years after the date of the award, to have the award registered in such Court, and when such application is made the Court shall, order the award to be registered<sup>6</sup> Notably, the Court in Nigeria will only enforce foreign award made in any other Country if that other Country accords substantial reciprocity of treatment to award made in Nigeria.

#### **United Nations Commission on International Trade Law (UNCITRAL) Model Law 2006**

The UNCITRAL Model Law on International Commercial Arbitration was prepared by UNCITRAL, and adopted by the United Nations Commission on International Trade Law on 21<sup>st</sup> June, 1985 with amendments as adopted in 2006 and it now includes more detailed provisions on interim measures. The Model Law is not binding, but individual States may adopt the model law by incorporating it into their domestic law (as, for example, Australia did, in the International Arbitration Act, 1974, as amended) The Model Law is designated to assist states in reforming and modernizing their laws on arbitral procedure so as to take into account the particular features and needs of international commercial arbitration. It covers all stages of the arbitral and the extent of court intervention through the recognition and enforcement of the arbitral award. It reflects worldwide consensus on key aspects of international arbitration practice having been accepted by states of all regions and the different legal or economic system of the world. The model law was published in English and French. Translation in all Six United Nations Languages now exists. Amendments to Article 1 (2), 7 and 35 (2), a New Chapter IVA to replace Article 17 and a new Article 2 A were adopted by UNCITRAL on 7<sup>th</sup> July 2006. The revised version of Article 7 is intended to modernize the form and requirement of an arbitration agreement to better conform to international contract practice. The newly introduced chapter IVA establishes a more comprehensive legal regime dealing with interim measures in support of arbitration. As of 2006, the standard version of the Model Law is the amended version. The original 1985 text is also reproduced in view of the many national enactments based on this original version. It is worthy of note that the UNCITRAL Model Law provides a pattern that law-makers in national government can adopt as part of their domestic legislation on arbitration. The UNCITRAL Model Law amendment of 2006 is a radical and positive departure from the provisions of the UNCITRAL Model Law, 1985 and that of the New York Convention. It is encouraging that the Nigerian Arbitration and Mediation Act has taken a step from this amendment. The UNCITRAL Arbitration Rules, on the other hand, are selected by parties either as part of their contract, or after a dispute arises; to govern the conduct of arbitration intended to resolve a dispute or disputes between themselves. Put simply, the Model Law is directed at States, while Arbitration Rules are directed at potential (or actual) parties to a dispute.<sup>7</sup> The UNCITRAL Model Law has been domesticated in Nigeria by virtue of the Act. This Law therefore, enjoins the courts to promote ADR.

#### **United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules 1976**

The United Nations Commission on International Trade Law (UNCITRAL) was established by resolution of the United Nations General Assembly dated 17<sup>th</sup> December, 1966 for the purpose of harmonizing and unifying the law of the international trade. One of UNCITRAL'S objectives is the promotion of the New York Convention while considering the promotion of the Convention; it dawned on the Commission that it was essential to provide a unified approach to the basic steps to be taken in ad hoc arbitration. The major arbitral institutions have their own rules which are up-to-date for resolution of disputes. This led to the drafting of the Arbitration Rules which were adopted by the Commission on the 28<sup>th</sup> April 1976 and approved by the General Assembly of the United Nations unanimously on the 15<sup>th</sup> December, 1976. The Rules contained in the First Schedules to the Arbitration and Mediation Act which is for both domestic and international arbitrations, are in essence UNCITRAL Arbitration Rules. The UNCITRAL Arbitration Rule has been domesticated in Nigeria by virtue of the Act. This Law therefore, enjoins the courts to promote ADR.

#### **Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958**

The New York Convention was adopted in 1958.<sup>8</sup> The Convention came into force on the 7<sup>th</sup> day of June, 1959 and has been ratified by about 149 Countries Worldwide. The New York Convention Subsequently became part of Nigerian domestic law in 1988 through the promulgation of the Arbitration and Conciliation Act of 1988.<sup>9</sup> The Convention obliges the courts of signatory states to recognize and enforce arbitration agreements and awards in the territory of other States. National courts are thus required to recognize and enforce foreign awards without reviewing

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<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*, S. 4 (1).

<sup>7</sup> <http://www.uncitral.org/Uncitral/en/uncitral-texts/arbitration/1985-Model-arbitration.html> accessed on 18<sup>th</sup> May 2023.

<sup>8</sup> G C Nwakoby, 'Arbitration and Conciliation Act Cap A18 Laws of the Federation of Nigeria, 2004- Call for Amendment' *UNIZIK JILJ* (2010) (1) 2

<sup>9</sup> E Dike, 'Facts and Myths on the Enforcement of Arbitral Awards in Nigeria' <<http://www.dr.news.com/categories/Nigeria/Facts-and-myths-on-the-enforcement-of-foreign-arbitral-awards-in-Nigeria-201>> accessed on 21<sup>st</sup> May, 2023.

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the arbitrators' decision except in a few exceptional instances.<sup>10</sup> A party desiring assurance that an award will be enforceable under the Convention must ensure that the arbitration proceedings take place and an award made in a Convention State. Recognition or enforcement may be refused or the award set aside only if at least one of the exceptional grounds stipulated in the Convention exists<sup>11</sup> The Object and Purpose of the New York Convention is to ensure that agreement to arbitrate and the resultant awards (foreign awards) at any rate are recognized and enforced in Nigeria and those awards made in Nigeria are recognized and enforced in contracting states. The New York Convention of 1958 is regarded as the most important international treaty relating to international Commercial arbitration. It is therefore in essence, applicable to international arbitration agreements rather to purely domestic arbitration agreements. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards constitutes the Second Schedule to the Arbitration and Mediation Act.

### **3. National Legal Regime**

Different jurisdictions in Nigeria operating the Multi-door Court System do so from different legal foundations. So far only the Lagos Multi-Door is backed by legislation,<sup>12</sup> others operate under Practice Directions of the Chief Judge of the States (which incidentally is how the Lagos MDCH started.) The National Frameworks relating to MDCH practice and procedure in Nigeria are Nigerian Legislations which contains various provisions on it. The Laws that relate to MDCH and MDCH practice and procedure in Nigeria are Constitution of the Federal Republic of Nigeria<sup>13</sup>, Arbitration and Mediation Act (AMA),<sup>14</sup> the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (The New York Convention)<sup>15</sup>, the United Nation Commission on International Trade Law (UNCITRAL Model Law)<sup>16</sup>, UNCITRAL Arbitration Rules<sup>17</sup>, the Foreign Judgment (Reciprocal Enforcement) Act<sup>18</sup>, International Centre for the Settlement of Investment Dispute (ICSID) Act<sup>19</sup>, Constitution of the Federal Republic of Nigeria<sup>20</sup>, Court of Appeal Rules<sup>21</sup>, National Industrial Court of Nigeria Alternative Dispute Resolution Instrument<sup>22</sup> Rules of Professional Conduct for Legal Practitioners<sup>23</sup>, Federal High Court Act<sup>24</sup>, High Court Civil Procedure Rules.<sup>25</sup>

#### **Constitution of the Federal Republic of Nigeria 1999 (as amended)<sup>26</sup>**

Constitution is an instrument of government, embodying fundamental rules of any nation. It establishes and regulates the powers and functions of the government as well as states the rights and duties of individuals in a given society. It stipulates the procedure for administering the public affairs of a country. It outlines modes of change of the government as well as procedure for constitutional amendment. The 1999 Constitution of Nigeria is the ground norm. It is the supreme law to which all other legal norms must conform. Where there is any inconsistency between the Constitution and such other law, that other law to the extent of its inconsistency is null and void and of no effect whatsoever.<sup>27</sup> Thus, it establishes the Nigerian democracy where the rule of law will prevail as held in *A G Fed v Abubakar*<sup>28</sup> and *FRN v Ifegwu*.<sup>29</sup> The 1999 Constitution which is the ultimate law of the land approves arbitration. Arbitration is of such paramount importance that it has been given Constitutional backing as a means of settlement of disputes as provided in Sections 19 (d) and 315 of our Constitution.<sup>30</sup>

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<sup>10</sup> New York Convention of 1958. Art.1 (1) and (3).

<sup>11</sup> *ibid.* Art. V (1) (a-e), 2 (a-b).

<sup>12</sup> The LMDC Law, Law No 21, LASG Official Gazette No 56 of 3<sup>rd</sup> August 2007, Vol. 40. The Commencement date is 18<sup>th</sup> may 2007.

<sup>13</sup> 1999 (as amended)

<sup>14</sup> 2023.

<sup>15</sup> 1958.

<sup>16</sup> 1958.

<sup>17</sup> United Nations Commission on International Trade Law Arbitration Rules 1976.

<sup>18</sup> Cap F 35 Laws of the Federation of Nigeria, 2004.

<sup>19</sup> International Centre for Settlement of Investment Dispute (Enforcement of Awards) Act Cap 120 Laws of the Federation of Nigeria 2004.

<sup>20</sup> 1999.

<sup>21</sup> 2011.

<sup>22</sup> 2015.

<sup>23</sup> 2007.

<sup>24</sup> 2004.

<sup>25</sup> Rules of some States in Nigeria.

<sup>26</sup> 1999.

<sup>27</sup> O V C Ikpeze Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers *JILJ* (2010) available at [https://www.ajol.info African Journals Online](https://www.ajol.info/African%20Journals%20Online), accessed on 13/6/2023.

<sup>28</sup> (2007) all FWLR (Pt.37) P 1264

<sup>29</sup> (2003) FWLR (pt. 167) p 703

<sup>30</sup> Constitution of the Federal Republic of Nigeria 1999 (As Amended)

### **Arbitration and Mediation Act 2023<sup>31</sup>**

The Arbitration and Mediation Act repealed and replaced the Arbitration and Conciliation Act 2004. The new Act was enacted to provide a unified legal framework for the fair and efficient settlement of commercial disputes by arbitration and mediation, and to make applicable, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) to any award made in Nigeria or in any contracting State arising out of international commercial arbitration. It is a Statute of the National Assembly enacted to regulate arbitration and mediation in Nigeria. Arbitration under the Act is governed by the provisions of the Nigerian Arbitration and Mediation Act<sup>32</sup>. It was on the 26<sup>th</sup> day of May, 2023 that the former president Muhammadu Buhari assented to the Arbitration and Mediation Bill thereby making it an official law. The new legislation serves as the principal legal framework governing arbitration, arbitral tribunals, arbitral awards, and mediation in Nigeria. The new Act is based on the revised UNCITRAL Model Law adopted in 2006<sup>33</sup> as against the previous Act that was copied from the UNCITRAL Model Law of 1985. This innovation undoubtedly improves the legal framework for domestic and international arbitration in Nigeria and strengthens its position as a leading arbitration destination in Africa. There are State Laws on the subject matter and rules of Court of the various States of Nigeria. Also, there are High Court Rules governing its provisions on each State and they contain provisions on arbitration. The parties to this type of arbitration agreement must be capable of entering into a legally binding contract in writing to submit differences to arbitration, whether such differences are present or future, and whether or not an arbitrator is named in the agreement.

### **Rules of Professional Conduct for Legal Practitioners (RPC)<sup>34</sup>**

The Rules of Professional Conduct also adopted the usage of ADR as can be seen in Rule 15. Rule 15 provides thus, representing client within the bounds of the law: (3) In his representation of his Client, a lawyer shall not- (a) Fail or neglect to inform his Client of the option of alternative dispute resolution mechanisms before resorting to or continuing litigation on behalf of his Client. This rule prevents lawyers from encouraging litigation and mandates lawyers to inform their Clients of ADR options before resorting to litigation<sup>35</sup>

### **Federal High Court Act<sup>36</sup>**

The Federal High Court Act provides or adopts the usage of ADR. It provides in its section 17 as follows: Section 17: Reconciliation in civil and criminal cases. 'In any proceedings in the Court, the Court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof'.

### **Court of Appeal Rules<sup>37</sup>**

ADR is recognized and encouraged by extant laws and Civil Procedure Rules of the Courts,<sup>38</sup> both at the Trial Courts and the Appellate Courts. For instance, with regard to appellate matters pending before the Court of Appeal. Order 16 of the Court of Appeal Rules, 2011 encouraged litigants to refer their appellate matters to the Court of Appeal Mediation Programme (CAMP) in appropriate cases. The entire Order 16 is reproduced below.

#### **Order 16:**

1(1): At any time before an appeal is set down for hearing the court may in appropriate circumstances upon the request of any of the parties refer the appeal to the Court of Appeal Mediation Programme (CAMP), provided that such appeal is of a purely civil nature and relates to liquidated money demand, matrimonial causes, child custody or such other matter as may be mutually agreed by the parties.

(2) The request for Alternative Disputes Resolution shall be made in Form 15 in the First Schedule to these Rules.

2. When the Court refers an appeal to the Court of Appeal Mediation Programme, the appeal shall be adjourned to a definite date for the outcome of the Mediation between the parties.

3. Without prejudice to the provisions of the foregoing the parties shall-

(a) be at liberty, at any time during the course of the hearing of an appeal, to explore mediation or any other Alternation Dispute Mediation Mechanism as considered appropriate in the circumstances towards the resolution of their dispute;

(b) take joint responsibility for all administrative, including mediation and arbitration fees associated with the resolution of the dispute: provided always that such fees shall be equally shared between the parties unless otherwise agreed by the parties or directed by the court,

(c) co-operate and give due regard to the Court of Appeal Mediation Programme at all times.

<sup>31</sup> Arbitration and Mediation Act 2023

<sup>32</sup> *ibid*

<sup>33</sup> L Alakija, 'Nigeria's New Arbitration Act: What you need to know' available on <https://wwwarbitrationblog.kluwerarbitration.com/2023/06/25/nigeria's-new-arbitration-act-what-you-need-to-know/> accessed on 19<sup>th</sup> October 2023

<sup>34</sup> 2007.

<sup>35</sup> Legal Practitioners Rules of Professional Conduct 2007. Rule 47.

<sup>36</sup> High Court Act, Cap F12 2004

<sup>37</sup> 2011

<sup>38</sup> Paragraph 2 (2) of the Preamble to the High Court of Lagos State (Civil Procedure) Rules 2012.

4. Where any of the Alternative Dispute Resolution Mechanism adopted is successful, the Court shall adopt the agreement reached by the parties as the judgment of the Court, but where such Alternative Dispute Resolution fails, the appeal shall be set down for hearing.

The above provisions of Order 16 of the Court of Appeal Rules are clear and need no further explanation.<sup>39</sup> In addition to the provisions of the various Rules, resort to ADR has also been recognised and encouraged judicially.<sup>40</sup> The Court of Appeal on 9<sup>th</sup> November, 2005 when Honourable Justice Umaru. Abdullahi, CON was the president, established a Court of Appeal Mediation Programme (CAMP), based on a proposal by the Negotiation and Conflict Management Group, to give parties the option of mediating their disputes even at the appeal stage.

### **National Industrial Court of Nigeria Alternative Dispute Resolution Instrument 2015**

The NICN now clothed with constitutional provisions had been existing over a period of 20 years prior to the third Amendment of the Constitution of the Federal Republic of Nigeria, 1999<sup>41</sup>, and it can now be argued rightly that the National Industrial Court has the status of a Court of Record by virtue of the Constitution of the Federal Republic of Nigeria (Third Alternative) Act.<sup>42</sup> In 2015, barely six years after the provision of the Third Alternative of the Constitution of the Federal Republic of Nigeria, 1999, provided the NICN with a platform to cater for industrial and labour issues in Nigeria, the National Industrial Court under the leadership of Honourable Justice B A Adelumo, again, introduced a much desired ADR concept- the NIC Alternative Dispute Resolution Centre by Virtue of Article 2 of the Alternative Dispute Resolution (ADR) Centre Instrument,<sup>43</sup> which came into being on 6 April, 2015. The ADR Centre also has a Practice Direction.<sup>44</sup> The officers of the National Industrial Court ADR Centre are members of staff of the Court who are deployed from amongst the members of staff of the Court employed or such officers appointed by the Federal Judicial Service Commission in accordance with the statutory requirements and directions of the Commission. Consequently, the same condition of service applies to the members of staff of the Centre and the members of staff of the Court.<sup>45</sup> The mandates and functions of this Alternative Dispute Resolution Centre is to apply Mediation and Conciliation technique in the settlement of disputes between or amongst parties and ensure the enhancement of the resolution of employment, labour and industrial relations disputes with the jurisdiction of the court and so forth.

### **High Court (Civil Procedure) Rules**

As it is today in Nigeria, rules of court<sup>46</sup> now encourage the use of ADR in deserving situations in order to fast track justice delivery. There are Rules of Court that have advocated for the utilization of Alternative Dispute Resolution Mechanisms in the settlement of disputes. Order 8 of the High Court of Lagos State (Civil Procedure) Rules 2019 provides: ‘All originating processes filed in the Registry shall be screened to determine suitability for ADR and may be referred to the Lagos Multi Door Court House or any appropriate ADR institution or practitioner in line with the Practice Direction issued by the Chief Judge.’ Order 19 (on Alternative Dispute Resolution ) of the High Court of the Federal Capital Territory, Abuja Civil Procedure Rules 2018 provides that: ‘ it shall be the duty of a court or a judge to encourage settlement of any matter(s) before it, by either arbitration, conciliation, mediation or any other method of dispute resolution.’<sup>47</sup> Order 2 Rule 7 of the High Court of the Federal Capital Territory, Abuja Civil Procedure Rules 2018 provides: ‘All originating processes shall upon acceptance for filing by the registry be screened for suitability for ADR, and where it is considered appropriate, the Chief Judge may refer the case to: (1) The Abuja Multi Door Court House, (2) or other appropriate ADR institutions or practitioners in accordance with the Practice Directions that shall from time to time be issued by the Chief Judge of Abuja.’ Order 25 of the High Court of Enugu State (Civil Procedure) Rules 2020 provides: ‘Subject to any other Law Rules in force, the judge may in appropriate cases during pre-trial conference refer a matter to the Enugu State Multi Door Courthouse or any other person or forum for amicable resolution of the case after which the terms of settlement duly signed by the parties and

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<sup>39</sup> C U Mmuozoba, *Civil Procedure Illustrated* (Enugu: Snap Press Nig. Ltd, 2015) 358-359.

<sup>40</sup> *Jabita v Onikoyi* (2004) All FWLR (Pt 233) 1625, at 1653-1654.

<sup>41</sup> The National Industrial Court was established in 1976 for the purpose of dealing with trade disputes and collective agreements by virtue of the provisions of Section 14 of the Trade Dispute Decree No. 7 of 1976. See also E A Taiwo, *The Principle, Practice and Procedure of Civil Litigation in Nigeria* (1<sup>st</sup> Edn. Ibadan: Ababa Press Ltd, 2015) 68

<sup>42</sup> Provisions of Act No. 3, 2010 which was eventually assented to by the President, Federal Republic of Nigeria on 4<sup>th</sup> March, 2011.

<sup>43</sup> Article 2- Establishment: (1) there is hereby established an Alternative Dispute Resolution Centre in the Premises of the National Industrial Court of Nigeria, hereinafter referred to as “the Centre.”

<sup>44</sup> Article 1- Application: (i) without prejudice to the powers of the Industrial Arbitration Panel (IAP), established Pursuant to Section 9 (2) of the Trade Disputes Act, Cap 18, Laws of the Federation of Nigeria, 2004 (as amended by the National Industrial Court Act, 2006) these provisions shall apply to the ADR Centre established Pursuant to Section 254 (3) of the 1999 Constitution of the Federal Republic of Nigeria (as amended by the Third Alteration Act, 2010).

<sup>45</sup> National Industrial Court of Nigeria Alternative Dispute Resolution Instrument of 2015. Art. 3.

<sup>46</sup> Order 17, High Court of FCT (Civil Procedure Rules) 2004, Order 25 High Court of Lagos (Civil Procedure Rules) 2012, Order 25 of the High Court Civil Procedure of Anambra State, 2019 and Order 25 Rule 1 (1) (c) of the Rules of the High Court of Enugu State Civil Procedure Rules 2020 and so on.

<sup>47</sup> Emphasis supplied

authenticated by the dispute resolution officer concerned shall be filed in Court for the Judge to adopt as a consent judgment.’ It is important to note that in Abuja, it is mandatory to include a pre-trial counseling certificate while commencing a civil action in the High Court of the Federal Capital Territory.<sup>48</sup> There is also substantial support for ADR Mechanisms in Nigeria Statutes. For instance,

- (a) Nigeria Investment Promotion Commission Act<sup>49</sup>
- (b) Petroleum Act<sup>50</sup>
- (c) Nigerian LNG (Fiscal Incentives Guarantees and Assurances) Act<sup>51</sup>
- (d) Public Enterprises (Privatization and Commercialization) Act<sup>52</sup>
- (e) Nigerian Communication Act<sup>53</sup>
- (f) Companies and Allied Matters Act<sup>54</sup> and so on.

#### 4. Relevant Institutions

In Nigeria, the institutional frameworks for ADR or CCADR like Multi-Door Practice involves various government agencies, international organisations, and non-governmental organisations (NGOs) working together to ensure that disputes are resolved timeously. Arbitration is one of the options in Multi door Courthouse that is used to settle disputes. There are some named institutions that conduct arbitration and these institutions have their specified rules and procedures. There are notable permanent arbitration institutions in the world today. Here, this paper will restrict itself to Courts, International Centre for the Settlement of Investment Dispute (ICSID), Lagos Multi- Door Court House, Abuja Multi- Door Court House, Kano Multi- Door Court House, Anambra Multi- Door Court House and Lagos Court of Arbitration.

#### The Courts

The court is an organ of the Government; belonging to the judicial department, whose functions is the application of laws to controversies brought before it and the public administration of justice. It is that body in the government to which the administration of justice is delegated.<sup>55</sup> Courts are, therefore, bastions of justice created by law and vested with the power to determine disputes.<sup>56</sup> Courts play supervisory role in arbitral process. It is the sole institution with the power to give effect to the arbitration agreement<sup>57</sup> by determining whether an arbitration agreement is valid and whether to enforce a valid arbitration agreement which has not been mutually abandoned. It is said that without the support of the court, ADR processes including multi door court practices would be ineffectual.<sup>58</sup> There are, for instance, Appellate Courts, which sit on appeal over decisions of the lower Courts. We have Courts of first instance where actions are initiated or heard for the first time, otherwise called trial Courts or Courts of original jurisdictions. You may also have civil Courts for the adjudication of disputes between persons over private rights, and criminal Courts, which are those charged with the administration of criminal laws with authority to impose punishments for offences committed against the public or community as a unit. There are Courts of record which are those required by law to keep a record of their proceedings.<sup>59</sup> One may also refer to a full court. This is a court in which all the functionaries composing it are in attendance. Again, there are Courts of unlimited jurisdiction being those Court which exercise general jurisdiction in civil and criminal matters within a given jurisdictional sphere. Conversely there are Courts of limited jurisdiction, which only enjoy jurisdiction over specific subject matter(s) or specified area(s). It is also possible to refer to a Court of competent jurisdiction, meaning such Courts, which by law are vested with the plenitude of authority or power over a given controversy or dispute. Sometimes, the term ‘Court’ Could also simply refer to the person(s) in whom judicial functions are vested at law. One thing is, however, clear. The Court is an adjudicatory body whose primary duty is the administration of justice. The primary sources from where its power flow include the Constitution, Statute, Charter, Letters Patent, or in colonial times/an Order-in-Council, or by prescription through a grant by the sovereign.<sup>60</sup> Section 91(1) of the Act<sup>61</sup> defined Court to mean, High Court of a

<sup>48</sup> Order 4 Rule17 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2004 provides that a Certificate of pre-trial counseling signed by counsel and the litigant, shall be filed along with the writ where proceedings are initiated by counsel, showing that the parties have been appropriately advised as to the relative strength or weakness of their respective cases, and the counsel shall be personally liable to pay the costs of the proceedings where it turns out to be frivolous.

<sup>49</sup> Cap N 17 Laws of the Federation of Nigeria 2004. S. 26 (2).

<sup>50</sup> Cap P 10 Laws of the Federation of Nigeria 2004. Paragraph 41 First Schedule

<sup>51</sup> Cap N 87 Laws of the Federation of Nigeria 2004. S. 22

<sup>52</sup> Cap P 38 Laws of the Federation of Nigeria 2004. S. 27.

<sup>53</sup> Cap N 97 Laws of the Federation of Nigeria. S. 4 (1) (P)

<sup>54</sup> Companies and Allied Matters Act 2004. S. 408

<sup>55</sup> C A Obiozor, *Domestic Arbitration Under the Act in Nigeria* (Anambra: Allied Press & Co, 2010) 1.

<sup>56</sup> *ibid*, 2-3.

<sup>57</sup> L Mustil, ‘Comments and Conclusions in Conservatory Provisional Measures in International Arbitration 1993, (9<sup>th</sup> Joint Colloquium, ICC Publication) 118

<sup>58</sup> K Muigua, *Settling Disputes through Arbitration in Kenya*, 3<sup>rd</sup> ed (Nairobi: Glenwood Publishers Ltd, 2019) 53

<sup>59</sup> *ibid*, 2.

<sup>60</sup> C A Obiozor, *Domestic Arbitration Under the Act in Nigeria* (Anambra: Allied Press & Co, 2010) 1-3

<sup>61</sup> Arbitration and Mediation Act 2023

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State, the High Court of the Federal Capital Territory Abuja or the Federal High Court. 'Court' also means the Chief Judge of any of the Courts referred to in this provision, sitting as a judge in chambers.

Apart from the regular Courts there are other functions involved in dispute settlement like the MDCH which has options like Arbitration, Mediation, and Conciliation and so on. The functions of these processes and the regular Court have become Complementary Mechanisms for the settlement of disputes

**International Centre for the Settlement of Investment disputes (ICSID)<sup>62</sup>**

International Centre for the Settlement of Investment Disputes has a limited jurisdiction and scope both as to eligible parties and as to the subject matter. The parties in any proceedings made pursuant to ICSID must be a contracting State or agency thereof designated to the Centre by the states and the other party must be a national of another contracting state. The subject matter of the proceedings must be investment matter. For arbitration proceedings to commence or be conducted pursuant to ICSID, the parties must have agreed to ICSID Convention as the applicable Convention for the settlement of their disputes, the Convention shall be applied to the exclusion of all other law as clearly stated in Article 44 of the Convention. By Article 26 of the Convention, consent of the parties to arbitration under this Convention shall unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. The Convention was drafted in an era and at a time when most investments took the form of concessions, joint ventures and so on, but new investments have emerged, such as profit sharing, services and management contract. ICSID Convention came into force on the 14<sup>th</sup> day of October, 1966. An award of the tribunal stands out in a class of its own and is distinct from other awards made pursuant to other bilateral, regional or multilateral treaties. In Nigeria, the competent court for the recognition, enforcement and registration of the ICSID award is the Supreme Court. The procedure is by way of registration of a copy of the award certified by the Secretary General of the Centre and the award will have the effect as if it were a final judgment of the Supreme Court. Then, it is the law regulating enforcement at the Supreme Court that is applicable here and that is the Sheriff and Civil Process Act. This Act Provides that the enforcement of such award should be made at the High Court using every of the method provided under the Act.

**Lagos Multi-Door Courthouse**

The concept of MDCH originated from a paper given by Professor Frank Sander of Harvard Law School in 1976. The occasion was a conference named in honour of Professor Roscoe Pound, who had delivered a famous paper in 1906 titled 'The Causes of Popular Dissatisfaction with the Administration of Justice'. Notably, the term 'multi-Door Court' was not coined by Professor Sander; he had used the phrase 'Comprehensive Justice Centre' to describe a court providing access to a range of ADR Facilities. However, the American Bar Association Published an article about his talk in its Journal and had put on the cover a whole bunch of doors, and called it, 'the Multi-Door Courthouse'. The core of Professor Sander's proposal implied that the ADR Mechanisms should be made available publicly, just like the Courts and his idea of a Comprehensive Justice Centre, advocates a comprehensive institution presumably funded by the State; a judicial structure which possesses dispute resolution mechanisms as major component in its system of dispensing justice. Inspired by the 'Multi-Door' concept enunciated by Harvard Law Professor, Frank Sander at the Pound Conference, the Lagos Multi-Door Courthouse (LMDC) Founder, Kehinde Aina, a partner in the Law Firm of Aina, Blankson & Co., established The Negotiation and Conflict Management Group (NCMG) in 1996 as a Non-governmental Organization to advocate the expansion of ADR in Nigeria and midwife the introduction of the Multi-Door Courthouse concept into the Nigerian Judicial System.<sup>63</sup> The Lagos Multi-Door Courthouse referred to 'LMDC' is an independent, non-profit body corporate with perpetual succession with a common seal. The LMDCI is a CC-ADR Centre, an institution which is attached to the High Court of Lagos.<sup>64</sup>

**Abuja Multi-Door Courthouse (AMDC)**

The Abuja Multi-Door Courthouse (AMDC) is a Court Connected initiative operating under the auspices of the High Court of the Federal Capital Territory Abuja. AMDC was formed on the 13<sup>th</sup> day of October, 2003. It is designed to complement the Courts conventional dispute resolution concepts<sup>65</sup> The AMDC is the product of the Abuja High Court Judiciary and the commitment of the Chief Judge, Hon. Justice L. H. Gunmi, to the birth of an effective administration of justice in the Federal Capital Territory (FCT)<sup>66</sup> It became the second Court connected Alternative Dispute Resolution Centre in Africa after Lagos Multi-Door Courthouses established by the High Court of Lagos state on the

<sup>62</sup> International Centre for the Settlement of Investment Dispute (Enforcement of Award) Act Cap 120 Laws of the Federation of Nigeria 2004

<sup>63</sup> K Aina, 'The Multi-Door Concept in Nigeria: The Journey so far' Available @ [www.lagosmultidoor.org](http://www.lagosmultidoor.org) accessed on 16<sup>th</sup> March 2023.

<sup>64</sup> Lagos State Multi-Door Courthouse Law 2007. S. I (2) (a) and (b)

<sup>65</sup> Hon. Justice O. O. Goodluck, 'An Overview of the Modus Operandi of the Multi-Door Court Houses', in Aliyu Ibrahim, ed. Alternative Dispute Resolution and some contemporary issues, 2010 (Zaria: Advocate chambers Faculty of Law, Ahmadu Bello University) 259

<sup>66</sup> Abuja Multi-Door Court House Practice Direction (AMDCPD) 6

4<sup>th</sup> day of June, 2002. It was also facilitated by the NCMG<sup>67</sup> The AMDC mission is 'to supplement the available resources for justice by providing enhanced, timely, cost effective and user-friendly access to justice'<sup>68</sup>

The objectives of the Abuja Multi-Door Courthouses are;

- (a) To provide enhanced, timely and cost-effective access to justice which could reduce or eliminate citizens' frustration;
- (b) To supplement the avenues for justice by making available additional doors through which disputes could be resolved;
- (c) Develop the managerial judge's concept, to design how best settlement could be achieved among litigants

And to utilize immense resources of retired judges through services in mediation, arbitration and other ADR mechanisms<sup>69</sup>

### **Kano Multi-Door Courthouse (KMDC)**

The Kano Multi-Door Courthouses (KMDC) opened on 20<sup>th</sup> January, 2009. It is a court connected alternative dispute resolution Centre located within the premises of the Kano High Court of Justice. Funding of the settling up of the KMDC comprised of N100 Million from the Kano State and N100 million from the Security Justice and Growth Programme. The justice sector reform team, established in Kano State, identified various projects that required implementation within the State's judicial services, including the establishment of the KMDC. To date the Security Justice and Growth Programmes (SJG) has contributed the following to the KMDC:

- Refurbishment of the KMDC office space including providing technical equipment, office equipment, and furniture.
- Training of staff and stakeholders in ADR processes.
- Computer equipment
- IT consultants and technical expertise
- Training and workshops for the senior staff of the KMDC in the construction of the Network of MDCs.
- Funding for initial research into the opening of the KMDC, including a business plan.
- The aim of the KMDC is to provide easy access to justice, reduce court congestion and to maintain cordial relationships amongst its users.

The KMDC is underpinned by a legal framework, which lends it a legitimacy supported by the Kano High Court. Unlike other States where there is express mention of the multi-door Courthouses in their High Court Civil Procedure Rules, Kano State does not have a similar provision. Instead, the Kano Multi-Door Courthouse (KMDC) was established with the aim of supplementing the regular court of arbitration, conciliation, Mediation and other forms of dispute resolution as provided for by sections 22 and 116 of the Kano State Arbitration Law and Kano Multi-Door Courthouses Mediation and Arbitration Rules 2008<sup>70</sup> In its Multi-Door Mediation Rules, KMDC can entertain matters referred by the High Court of Kano State, the Federal High Court, private persons, corporations, public institutions and dispute resolution organizations<sup>71</sup>

### **Anambra State Multi-Door Courthouse (AnMDCH)**

The Anambra State Multi-Door Courthouses (AnMDCH) took off on the 5<sup>th</sup> of February, 2019 with the launching of Anambra State Multi-Door Courthouses Rules, the new High Court Rules, the renaming of the High Complex in the name of Hon. Justice. A. I. Iguh and the Willie Obiano AnMDC Office located at the judiciary headquarters. This unique endeavor was done under the auspices of Hon. Justice Peter. N. Umeadi, the Chief Judge of Anambra State Emeritus. However, the take-off of the said office has been an arduous one, as the then Chief Judge left office without the AnMDC being consolidated. Under the Ijem Onwuamegbu, due to her short stay in office, we focused on perfecting the memorandum of understanding between the judiciary and the Nigerian Institute of Chartered Arbitrators. Though the Memorandum was not signed by then, however certain key factors were agreed upon. The administration of the present Chief Judge, Hon. Justice. O. M. Anyachebelu saw to the passing of the law as he believed that, without a proper statutory backing of the law, we would find ourselves in controversial and conflicting

<sup>67</sup> O. Koleoso, An Appraisal of the Law and Procedure of the Abuja Multi-Door Courthouses, in Aliyu Abraham (ed). (2010) 385  
<sup>68</sup> *ibid*, 5

<sup>69</sup> Abuja Multi-Door Courthouses Mediation and Arbitration Rules 2003

<sup>70</sup> The Kano Multi-Door Courthouses, the first in the North-Western region of Nigeria, was established by a legal notice by the chief judge of the state on 1<sup>st</sup> August, 2008 and was formally launched on 20<sup>th</sup> January, 2009.

<sup>71</sup> Due to lack of public awareness, there are various misconceptions about the purpose of the KMDC. For example, it was regarded as a court where children could take their parents when aggrieved or the controversial child Right Act could be enforced. Now the KMDC has resolved dispute ranging from family and banking to maritime and employment issues. Within the first year of its operations, the KMDC received 135 cases which included 30 family related disputes, 20 monetary claims dispute, 16 debt-recovery cases, 15 cases relating to land disputes, 12 matrimonial matters, 10 cases of contract breach and 3 case of defamation of character about 81% of these were walk-in cases, see KMDC Newsletter 1 (3) (January 2011)

circumstances. To the Glory of God, the said law was passed and assented to by Mr. Governor Professor Charles Chukwuma Soludo. CFR. Be that as it may since the office was declared open.

### **Lagos Court of Arbitration**

The Lagos Court of Arbitration (LCA) is an independent and private sector-driven international Centre established under the Lagos Court of Arbitration Law, No.17, 2009<sup>72</sup> for the resolution of commercial disputes by arbitration and other forms of alternative dispute resolution services<sup>73</sup>. Generally, the LCA has Lagos Court of Arbitration Rules (as amended) 2013 that regulates its arbitration proceedings.<sup>74</sup> The LCA is the first purpose –built ADR Centre in Africa and provides services to domestic and international parties and the entire sub-region. The LCA provides parties with a flexible and neutral seat for the resolution of disputes; offering parties’ confidentiality and the freedom to choose how and where to resolve disputes. It also promotes awareness and engagements of arbitration and ADR through advocacy training workshops and conferences. The Lagos State, like most other States in Nigeria has its Multi-door Courthouse Law and Arbitration Law and Rules,<sup>75</sup> which are different from the LCA Rules.<sup>76</sup> The LCA Rules adequately provided for the procedure starting from the commencement of the arbitral proceedings to its final stage. The vision of the LCA is to be the preferred natural and neutral arbitral ADR institution in Africa; and to deliver internationally acceptable dispute services. Its mission statement is to deliver internationally acceptable dispute services.<sup>77</sup> This institution has indeed through its Rules encouraged the use of ADR in the resolution of disputes in Nigeria.

### **5. Conclusion**

The legal and institutional regime for the practice and procedure of Multi-Door Court Houses or Court Connected ADRs in Nigeria are frameworks such as laws, conventions, policies applicable in Nigeria and institutions or Centres that encourage amicable settlement of dispute through not only the traditional (mono doors) dispute resolution avenue of litigation, but also other dispute resolution avenues (or multi-doors).

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<sup>72</sup> C A Okeke, ‘An Overview of the Lagos Court of Arbitration’ available at <https://thenigerialawyer.com/an-overview-of-the-lagos-court-of-arbitration-by-chioma-angela-okeke-s/> accessed on 22<sup>nd</sup> October 2023.

<sup>73</sup> African Arbitration Association, ‘Member Details Lagos Court of Arbitration’ available at <https://afaa.ngo/syspublicprofile/47192856/4568030> accessed on 22<sup>nd</sup> October 2023.

<sup>74</sup> *ibid*

<sup>75</sup> Lagos State Arbitration Law 2009 No. 18

<sup>76</sup> Lagos State Multi-Door Court Law 2007, which came into force on the 18<sup>th</sup> day of May 2007.

<sup>77</sup> C A Okeke, ‘An Overview of the Lagos Court of Arbitration’ available at <https://thenigerialawyer.com/an-overview-of-the-lagos-court-of-arbitration-by-chioma-angela-okeke-s/> accessed on 22<sup>nd</sup> October 2023.