



Mediation: A Viable Mechanism for Sustainable Development and Promoting Amicable Settlement of Litigated Disputes in Nigeria

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Abstract. The various problems associated with litigation like delay, enmity and acrimony prompted the desire for Alternative Dispute Resolution (ADR) mechanisms. Mediation is a certified mechanism that encourages peaceful resolution of dispute between parties and still preserves future harmonious relationship. Litigation defeats this purpose, thus mediation has the advantages of being a faster, cheaper and consensual process but the challenges lie in the lack of uniformity in practice, lack of adequate training and generally, lack of proper administration. The paper adopts the qualitative and quantitative methodology to address the challenges. It is shown that mediation deserves to be fully embedded in the system for sustainable development. It is found that the use of mediation in resolving dispute in Nigeria is faster, cheaper, consensual and removes acrimony between parties, taking a cue from the result of the pilot programmes in some states of the Federation.

Key Words: ADR, Mediation, Traditional Mediation, Court-Annexed Mediation and Nigeria,

1. Introduction

Litigation is the most notorious official mechanism of dispute resolution in Nigeria. One of the menaces of litigation that has however prompted the desire for Alternative Dispute Resolution (ADR) mechanisms is the fact that litigation breeds feud and enmity. It is therefore not an encouraging mechanism of dispute resolution for parties that may want to maintain future good and harmonious relationships. Besides, litigation does result in delay which may eventually defeat the purpose for which parties resort to the court for redress. Thus, for the benefits of both parties to the litigation, it is desirable that means for amicable settlement of their differences be sought. The court itself has long realised this and has since been creating platforms for this to be achieved by the parties. It is to this end that the mediation

mechanism is examined in this paper as a viable mechanism for sustainable development and as a viable tool to promote amicable settlement of disputes.

The potency of mediation as a means of resolving disputes, among other dispute resolution mechanisms, cannot be overemphasised. This is due to its common advantages as a faster, cheaper and consensual process by which a third party helps to achieve mutually acceptable solution; a solution that can lead to the preservation of the good relationship between the parties prior to the dispute. In essence, the mediation mechanism is relevant to achieving a mutually beneficial resolution of litigated disputes through an amicable settlement of the parties' differences.

This paper discusses ways to improve the use of mediation as an Alternative Dispute Resolution (ADR) by the court and parties to litigation in Nigeria. As such, the usefulness of mediation in terms of its advantages is highlighted. The benefit of the court-annexed mediation and the recent developments in Nigeria, with a particular focus on the trends in Kwara and Lagos States is discussed with some comparative analysis of what obtain in selected other jurisdictions. A Recommendation is put forth for the enactment of a *Mediation Act* for Nigeria to regulate amicable settlement of litigated family, community, commercial and neighbourhood disputes in an organized manner. Besides, a case is also made for the establishment of a National Mediation Board for the advancement of mediation as an alternative dispute resolution mechanism for amicable settlement of litigated disputes in the country.

2. Mediation: Purport and Benefits

The adoption of mediation, when appropriate, saves the parties from unnecessary expenditure and delay. The advantages of the mechanism are many; lists of these have been given by many authors. Mediation is a consensual process and it is cost effective, delay free and a private arrangement. Unlike other ADR mechanisms which are trial-like in proceedings, mediation is specifically designed to achieve amicable settlement of disputes for the parties. Thus, the mechanism involves the intervention of a third party who helps the disputing parties in finding an option which is of mutual benefit. Parties express their emotions, feelings and self-interest freely during the course of proceedings, especially during the caucus meetings where the parties express their minds freely but in total secrecy from other party, unless they themselves allow the disclosure of issues discussed with the mediator in order to help build a consensus and as well find an option.

The merit of mediation can also be appreciated from the perspective of its universal success rate in the resolution of disputes which is put at 90%. In the USA, particularly in Florida, as in other jurisdictions where statistics have been collected, there is overwhelming evidence that mediation has offered an effective avenue for the resolution of complex issues involving commercial, social as well as business disputes.

In the U.S, the popular dissatisfaction with the administration of justice as echoed by the 1976 Pound Conference brought ADR generally, and the mediation mechanism in particular, to the limelight. Ever since then, the usefulness of mediation in the resolution of disputes has been found to be tremendous. The dissatisfaction with the litigation-inclined adversarial administration of justice in Nigeria requires a paradigm shift from litigation to ADR and to particularly promote amicable settlement of litigated disputes in the country, the mediation mechanism becomes relevant. The trace of mediation to the traditional system of dispute resolution also makes this more alluring to the Nigerian African setting.

3. Traditional Mediation System in Nigeria

The tradition among the people in Nigeria, as an African country, has been to resolve disputes amicably. Mediation was one of the processes by which disputes were resolved in Nigeria until the introduction of litigation culture by the colonial overlords. But the deep-rooted acceptance of the traditional method is such that till today, mediation plays a significant role in the resolution of disputes. Thus, if it is strengthened at the grass root level and sustained to co-exist with the other modern ADR mechanisms, it may greatly help in the amicable resolution of litigated disputes in Nigeria. This will be in line with the current trend in other countries of the world, particularly China, India, Singapore and Japan. The People's Mediation Committees form the backbone of the civil justice system in China just as the existence of the *Lok Adalat* and the system of *Panchayat* in India have helped in the administration of justice. Traditional rulers in Nigeria such as Committee of Elders, Family heads, Chiefs, Kings, Emirs and Sultan still play important roles in the resolution of disputes in the country. Thus, the need to statutorily recognise the activities of these agents of peace and harmony is imperative.

In Nigeria, traditional mediators symbolise the representatives of the ancestors. Notwithstanding the advantages of mediation, certain fear and concern are expressed as far as the use of mediation is concerned. The challenges are however surmountable. This may be addressed vide a number of ways particularly using the court-annexed mediation. Mediation is an effective means for easing backlog of cases and it is very well cost effective. For the mediation mechanism to bring about amicable settlement of litigated disputes and therefore achieve the loft goal of court decongestion for the justice system in Nigeria, the maintenance of the court-mediation becomes expedient.

4. Expediency of Court-Annexed Mediation in Nigeria

Efforts have been made to entrench ADR in Nigeria, including the establishment of the Multi-Door Courthouse, which is similar to the Court-annexed mediation or Court-Connected ADR centre. The establishment of the court connected ADR in Nigeria was championed by the Negotiation and Conflict Management Group. The agitation of the group led to the establishment of the Lagos Multi-Door Courthouse (LMDC) which is the first Multi-Door Courthouse (MDC) in Africa.

The LMDC is designed to diagnose each case or dispute and refer it to an appropriate “door” or mechanism that is best suited for its resolution. The Multi-Door Courthouse has been introduced in Lagos State and the FCT (Federal Capital Territory) Abuja. The ADR processes available for the resolution of disputes include mediation, arbitration, conciliation, early neutral evaluation and hybrid processes. The benefits accruable from this experiment demands that the court-annexed ADR be made a general phenomenon and adopted in all States of the Federation of Nigeria. Thus, it is necessary to have a federal law in place to formalise this position. Although mediation is ordinarily a voluntary process, but in view of the contemporary paradigm shift making it possible for the court to order the parties to go for amicable settlement of their disputes, the need for such law cannot be wished away. Having such law, like the power of the court to order for it, cannot remove the voluntariness of the process; sending a party to mediation may be compulsory, but parties would still have the power to settle or not.

The LMDC as part of the Lagos State judiciary now has jurisdiction to apply mediation, arbitration, conciliation, neutral evaluation and any other ADR mechanism considered suitable. A successful implementation of the program requires painstaking regulation, implementation, persistent monitoring and periodic evaluation of the program in view of the fact that the successful implementation of court-annexed mediation in the USA spanned over a period of three decades. An ADR specialist in Nigeria has opined that the court-annexed mediation is a jurisdictional issue and as such easy to achieve and thus, recommends the court-annexed mediation for Nigeria. In the same vein, the brain behind the *Nigerian Arbitration and Conciliation Decree, 1988*, also lends his total support to the court-annexed ADR not only in Nigeria, but in Africa as a whole.

The benefit of the court-annexed mediation is tremendous in terms of the court’s input and the fact that parties’ control of the settlement process is maintained. Research in the US and the UK on the processes of the court-annexed ADR shows the benefits and usefulness of the program. It guarantees the possibility of using mediation voluntarily by the parties either before or after the commencement of litigation. The virtues of the court-annexed ADR were detailed by Nelson stating that, “alternatives to litigation; conflict, openness ra
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orities for
the resolution of problems. It is believed that the program will allow courts the opportunity to present new models to the community which is capable of establishing and maintaining important norms for the behaviour of citizens.

As an added advantage, the adoption of the court-annexed mediation in Nigeria will help to ease the back log of cases in courts while at the same time it will ensure consensual and creative resolution of disputes. Another important benefit of the court-annexed mediation is that the mediation process becomes an integral part of the judicial system and thus confers an element of respectability on it. The supervision by the court creates a sense of co-ordination together with an

expeditious resolution of disputes. On the whole, it ensures a quicker, less expensive, participatory and coordinated resolution of disputes. Besides, as it is conducted on the term of “without prejudice”, it offers an avenue for parties to express their interests without an apprehension or fear of a compromise of their legal interest. It also provides psychological backing to the party that it can open its heart before someone who is indeed concerned with his interests and who is really impartial, and above all who can never impose his will on the party, which remains empowered to go for a resolution or reject it.

5. Provisions for the Mediation Mechanism in the Rules of Court in Nigeria

The court-annexed mediation in the USA and Australia has been in operation for about 30 years. In the US, by virtue of the *ADR Act 1998*, all Federal district courts are authorised to require parties to a suit to first go for ADR in all civil cases. In Nigeria, safeguards for the use of the mediation mechanism can be seen in some of the High Court Rules. Notably, the High Court Rules of Lagos State, Kwara State and Abuja, among others, provide for the “pre-trial conferences.” The *High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules* is more specific on the ADR processes the court is charged to encourage parties to embrace and mediation is so specifically listed. The Rules provides as follows:

1. A Court or Judge, *with the consent of the parties*, may encourage settlement of any matter (s) before it, by either-
 - (a) Arbitration;
 - (b) Conciliation;
 - (c) Mediation; or
any other lawful recognized method of dispute resolution.

In a more recent development, “amicable settlement of disputes by use of Alternative Dispute Resolution (ADR) mechanism” has been expressly declared as one of the overriding objectives of the 2012 Lag Rules. The implication of this is that it now the judicial and legal responsibility of the court to mandate “the parties to use an (ADR) mechanism where the court considers it appropriate”; assist “the parties to settle the whole or part of the case”. To show that the court is no longer just interested in adjudicating before it in the State, the Lag Rules now makes it a condition precedent for the Legal Practitioner to first explore the ADR mechanisms in general and the mediation mechanism in particular. This goes to demonstrate that the statutory prescription of the mediation mechanism is now imperative in the Nigerian justice system.

It is arguable that the experimental practice of mediation under the mediation centres have certainly reduced the back log of cases and as well reduced the number of cases that goes to the courts. A path is therefore justified to be paved towards realising national implementation of amicable settlement of litigated disputes in the

country through the operation of the court-annexed mediation in all courts throughout the federation.

6. Practical Approach to National Implementation of the Court-Annexed Mediation in Nigeria

In some jurisdictions like USA, Australia and India, the court-annexed mediation is conducted by the court registrar and officers. In the New South Wales Supreme Court, over 500 mediations were conducted during 2008 by the registrars with a success rate of 59%. It has been suggested that issues like the number of settlements; the time within which it is reached, the cost as well as the satisfaction of the parties involved provide a good yard stick to measure the success of the programme. It is thus desirable also in Nigeria that a periodic evaluation of the programme be carried out to test the usefulness and success of the programme. Some ancillary issues which need be provided for in the regulation of the court-annexed mediation in the country should therefore include the following:

- a) ***Rules to be drafted by the Chief Justice:*** It shall be provided that the Head of each court shall have the power to make rules regulating the practice and procedure of the court-annexed mediation (Practice Direction). Currently in the country, a practice direction has been issued by the Chief Judge of Lagos State pursuant to the power conferred on him by section 30 of the *Lagos Multi-Door Courthouse Law*. This practice direction may well serve as a good specimen and guide that may be adopted with the necessary changes to suit a general purpose.
- b) ***Time-limit to be set for the completion of mediations:*** In order to ensure a quick and timely resolution of disputes, a time limit within which the dispute should be resolved may be set. This is imperative so as to avoid delay. At most, a period of thirty days should be set within which an agreement should be reached.
- c) ***Liability to bear cost:*** Generally in the court-annexed mediation, the State bears the cost, where mediation is by persons (mediators) who are officials of the Court such as the registrar, other officers of Court or other persons as certified to be so qualified by the Court. However, for the system of mediation mechanism we propose on a national level to be realised, the Court do more to bear some cost even where those who are officials of the court do not act as mediators. The court can do this by allowing the mediation proceedings to be conducted within the court premises in places like the court's conference room. This will be a good social service to the public. But where the parties have the means to bear the cost, then it should be shared between the parties. The requirement of funding by the government should be paramount for the programme to succeed. Thus, adequate resources are required for the success of the programme. Our position therefore is that where the parties apply for mediation by themselves, they will have to bear the cost,

but when ordered by the court the court should take care of the expenses. A similar position of this nature is adopted in the US.

To conclude on this segment, It has been observed by a legal practitioner that the court-annexed mediation in Nigeria may raise some suspicion of bias where relations and friends serve as mediators. Thus, the court appointed or accredited mediators command respect and ready acceptance to the parties and this further strengthens our position that there is need for a federal statute to regulate mediation practice in the country. Hence, the call for enactment of a Mediation Act becomes necessary.

7. A Case for Mediation Act in Nigeria

There is the need for a Mediation Act in Nigeria. The non-uniformity and haphazard individual adoption of this ADR mechanism in various States of the federation justifies this call. At present, the LMDC has issued a practice direction which regulates the practice and procedure of mediation in the LMDC, the ADR centre in Lagos State. The provisions of the High Court Rules and Practice Directions on the use of this ADR mechanism are equally diverse. Therefore, a Mediation Act will serve the good purpose of making it more attractive and well regulated for the mediation mechanism to be utilised in courts throughout the country. The Act is expected regulate disputes in the areas of family disputes, domestic commercial disputes and neighbourhood differences, among other civil disputes that may be fitting for mediation. Some of these diverse disputes are currently mediated upon by the Kwara State Citizens Mediation and Conciliation Centre, which resolve disputes professionally. Within three months of its start of operation, a total of 30 cases out of 50 referred to it were resolved amicably through mediation to the satisfaction of the parties. The table below shows the type of dispute, the process and the duration which some of such cases took.

Nature of Dispute	Number	Process adopted	Duration
Land Dispute	6 (six)	Mediation	2 Hours to 2 Days
Recovery of Debt	5 (five)	Mediation	1 Day
Employer/Employee	3 (three)	Mediation	1 Week
Family Dispute	2 (two)	Mediation	1 Day to 1 Month
Religious	Gerald Muzare		
Landlord/Tenant	2 (two)	Mediation	1 Day
Breach of Contract	3 (three)	Mediation	2 Hours to 1 Day
Breach of Contract	4 (four)	Ref. Arb/Mediation	1 Day
Release of Car& oth	4 (four)	Mediation	1 Day

Source: Kwara State Citizens Mediation and Conciliation Centre, 2009

The above shows the need to support the system to entrench the mediation in amicably settling litigated disputes throughout Nigeria. As this writer gathered, most of the disputes resolved had earlier been made the subject of litigation without any appreciable success. It is therefore challenging the use of the mediation mechanism is not general in the country. A Mediation Act will therefore do well

setting the ground rules for conducting mediation and put in an infrastructure for the promotion of the mechanism in the country. Besides, such an Act is expected to establish a National Mediation Board to further sustain the development of the mechanism in the federation and spread the culture nationally. The significant role to be played by this Board cannot be overemphasised. It is therefore acute for a prototype of the structure and composition of the Board be proffered. We also deem it relevant to recommend a model on other expected provisions of the Act on issues like creation of mediation centres; qualification and training of mediators; mediators' accreditation and training institutions; code of conduct for mediators and immunity of mediators. These are examined one after the other in the following segments of the chapter.

8. Structure of Nigerian National Mediation Board

We strongly make a case for the establishment of a National Mediation Board in Nigeria. The Board shall be responsible for overseeing and co-ordinating the administration of the mediation processes at all levels, be it at the Federal High Courts, State and FCT High Courts, Magistrate Courts, Customary Courts, Area Courts and Mediation Centres. The Board should be affiliated to the National Judicial Council (NJC) at the national level and to the State Judicial Council (SJC) at the State level. Doing so will require amendments of the various relevant Acts and the Constitution.

i. Composition of the Board

The Mediation Board shall consist of persons who are knowledgeable in ADR theory and practice, that is, those who are familiar with the administration of ADR programmes. At the national level, the composition of the Board may go like this:

1. A Permanent Chairman of the Board nominated by the National Judicial Council (NJC) and other members to include;
2. The Chief Justice of Nigeria or a serving Judge as his representative
3. The President of the Court of Appeal or a serving Judge as his representative
4. The President of the Federal High Court of Appeal or a serving Judge as his representative
5. The Attorney General of the Federation or his representative from the Ministry of Justice
6. The Chief Judges of the States or their representatives
7. Any five Chairmen of Mediation Centres or their representatives
8. Representatives of the States' Judicial Council
9. The chairman of the Nigerian Bar Association or his representative
10. Representative of Traditional mediation forum appointed by the chairman
11. Representative of Professional private mediation bodies appointed by the chairman
12. Other mediation experts appointed by the chairman of the Mediation Board

Similarly at the State level, the State Mediation Board shall consist of the following persons:

1. A Permanent chairman of the Board nominated by the State Judicial Council (SJC) and other members to include;
2. The Chief Judge of the State or a serving Judge as his representative
3. The Grand *Khadi* of the *Sharī'ah* Court of Appeal or a serving *Khadi* as his representative
4. The President of the Customary Court of Appeal or a serving Judge as his representative
5. The Director of the Directorate of District Court or his representative
6. The Attorney General of the State or his representative from the Ministry of Justice
7. Representatives of the States' Judicial Council
8. The chairman of Mediation centres or their representatives
9. The chairman of the Nigerian Bar Association or his representative
10. Representative of Traditional mediation forum appointed by the chairman
11. Representative of Professional private mediation bodies appointed by the chairman
12. Other mediation experts appointed by the chairman as approved by the SJC.

It strongly believed that a composition of this nature is encompassing enough to cover the various interests necessary for a successful administration of the mediation programme and advancement of the mediation mechanism for amicable settlement of litigated disputes in the country. It should be stated that the persons listed on items 1 & 12 at both levels will be permanent members while those on items 2-11 in both cases are members who are not on a permanent basis, but for decision making and the proper administration of the Board.

ii. *Mediation Centres*

The requirements for the establishment of mediation centres in the country shall be one of the issues to be addressed by the Act. Given the geographical demography of Nigeria, at least thirty-seven mediation centres and as many divisions as possible and necessary considering the population density should be established. The existing Mediation Centres in the various States shall be allowed to operate under the new arrangement, with the necessary restructuring for a better performance and the personnel they make use of should be absorbed to bring about the desired results under the new system. The services rendered so far by such centres cannot make them to just be wished away or totally replaced by new outlets.

iii. *Qualification and Training of Mediators*

Competence of a mediator is no doubt a tool to enhance the quality of the mediation process. Therefore, on the basis of the experience acquired over years, training is necessary for mediators for a successful mediation program. The Board shall for this purpose determine and lay down the qualification requirements and training

standards for mediators. The requirement of training is so germane that a lack of it may mar the whole process. Training of mediators further enhances their performance and ensures impartiality. It has been argued that, in order to enhance competence of mediators, a standard has to be set for educating mediators, so that the service provided is consistently fair and high in quality.

iv. Accreditation and Training Institutions

The Act shall lay down rules governing accreditation of mediators and for the establishment of training institutions. This is desirable in view of the international standard of the requirement for accreditation and the continuous training of mediators. Accreditation becomes imperative as its aim is not only to ensure the functionality of the system but at the same time to ensure that the mediator is competent, professionally qualified, impartial and independent. It is necessary, therefore, that a self-sustaining program should be developed to produce highly skilled cadre of mediators in the country.

v. Code of Conduct

The Act shall incorporate the code of conduct for mediators which shall serve as the ethical standard for the conduct of mediation. The code of conduct shall recognise the basic principles of self-determination, impartiality, disclosure of conflict of interest, competence, confidentiality, advertisement, fee and other relevant measures to improve mediation. Thus, a committee should be constituted to suggest the draft law to regulate and provide a code of conduct and ethical standards for the mediation process. It is suggested that standard of conduct as used by the American Arbitration Association and the Alternative Dispute Resolution body of the American Bar Association may be studied to derive useful tips that may suit the Nigerian purpose.

vi. Immunity

The Act shall contain provisions on the immunity of mediators from legal actions. The immunity given to mediators should be as one given to a judge. Thus, the mediator must be immune from any claim arising out of any act or omission committed during the mediation process, unless a *mala fide* intention is proved against him. This position is in line with a settled position of judicial authority. Interestingly, the issue of immunity has found its way into the contemporary ADR instruments. Generally, it is now provided that the neutral ADR umpire shall not be liable to any party for any act or omission during the proceedings. This provision is necessary to protect such umpires from defamatory accusations and harassments.

From the foregoing, it is strongly believed that the proposed Mediation Act shall engender a national application of the mediation mechanism in the Nigerian courts which will bring the much needed uniformity in the practice of the court-annexed mediation in the country. The fruitful experiment of the Lagos and Abuja Multi-Door Courthouses should prompt its adoption at the national level with the necessary adjustments. This may appear to be more convenient at the operational

level, because of its familiarity with the public, its known good, bad and ugly aspects, making its adoption easier, and above all, doing so will provide a solution locally within the country. This may be likened to what obtains in Australia where the pilot programme first started in the New South Wales District Registry in 1987 and later on got expanded to the whole province. Therefore, it is expedient to entrench the court-annexed ADR throughout Nigeria towards achieving amicable settlement of litigated disputes in the country.

It is therefore, expected that the introduction of an Act on Lagos model or USA model will bring about a standardized and harmonised administration of ADR, which should be subject to evaluation on a continuous basis. Besides, in the case of Nigeria, the NJC and SJC charged with the responsibility of overseeing the administration of the courts at the Federal and State levels should be empowered to assist the courts from High Court level downwards in the establishment and improvement of the model.

9. Conclusion

In the quest for a just and mutually beneficial resolution of litigated of disputes in Nigeria, mediation is a better option in every respect unless the parties are aiming at the determination of a constitutional question for which the court's verdict is imperative. Mediation is faster, cheaper and consensual. A neutral third party helps parties to find a mutually beneficial resolution to their disputes. Finding such an 'option' is a piece of art which is within the expertise of persons trained as mediators.

Mediation culture deserves to be fully embedded in Nigeria by introducing an enactment like the USA ADR Act, 1998. It is useful as it authorizes the court, in all civil cases to compulsorily refer the dispute to an appropriate ADR process, including the mediation mechanism. It will place the court-annexed mediation on a solid foundation in Nigeria and further strengthen the mediation culture through the court machinery.

Regarding the non-court annexed mediation, the enactment of a Mediation Act is also relevant. The Act will address issues like Mediation Board, measures for the proper administration of mediation, mediation centres, qualification, training, accreditation of mediators and training provider institutions as well as drafting of a code of conduct for mediators. The Act should encapsulate traditional mediation and give statutory recognition to it by recognizing the role played by Elders, Chiefs and the Emir, Sultan or Obi-in-Council in the resolution of disputes. This will be in line with the recognition given to the *Panchayats* in India. This will further sustain and strengthen the practice of ADR in Nigeria, by making the best use of a practice that is already in place for sustainable development.

Mediation should also be adopted in the settlement of ethnic and religious issues/disputes as already adopted by the Mediation Centre in Kwara State to settle religious dispute as shown in the table above. Mediation is also useful in the settlement of the various racial, ethnic and religious disputes in the country so as to harmonise the conflicting interests and ensure peace to enhance the maintenance of law and order and sustainable development. The entrenchment of the court-annexed mediation together with the existing ADR processes already made part of the court system will further strengthen the application of the court-annexed mediation, mediation culture as an integral part of the judicial system and confer on it the respectability as being statutorily recognized so that the resolution will be enforceable without stress. Strengthening the mediation culture and practice in Nigeria will go a long way in easing the unnecessary burden on its judicial system and foster a consensual, cooperative and creative atmosphere for the resolution of litigated disputes in the country for sustainable development.

References

- Olowononi E. O. (2010-2011) "The Use of Litigation in Resolving Disputes in the Football Industry: Prospects and Challenges", *Kogi State University Law Journal*, Volumes 4 & 5, p.192.
- Danjuma M. (2011) "Towards a System of Restorative Justice in Criminal Matters: Role of ADR" in *A Glory to the Bench: (Essays) in Honour of Hon. Justice Dalhatu Adamu* (Abuja: A LawTree Concept) pp.28-35.
- Sanda A. A., *Justice Delayed is Justice Denied: Problems and Solutions* (Ibadan: Spectrum Books Limited, rep., 2002).
- Order 52, *Federal High Court (Civil Procedure) Rules 2009*; Order 21, *Kwara State High Court (Civil Procedure) Rules 2005*.
- Brown H. and Marriott A. (1993) *ADR Principles and Practices*, (London: Sweet and Maxwell), p. 19;
- Rashid S. K. (2006) *ADR in Malaysia*, (Malaysia: Kulliyah of Laws IIUM) pp.113-114.
- Yuan L. L. (2002) "Mediation, Its Effective Implementation as An Alternative Dispute Resolution Mechanism - Singapore Experience", (Paper presented at the National Seminar on Alternative Dispute Resolution, Putrajaya Malaysia), pp. 2-9;
- Noce D. J. D. (2002) "Mediation Theory and Policy: The legacy of the Pound Conference" *Ohio Journal on Dispute Resolution*, vol. 17, No. 3 p. 546.
- Patterson S. & Seabolt G. (2001) *Essentials of Alternative Dispute Resolution*, (Dallas Texas: Pearson Publications Co., 2nd ed.) p. 53.
- Macfarlane J. (1997) "The Mediation Alternative" *Rethinking Disputes: The Mediation Alternatives*, edited by Julie Macfarlane, (London: Cavendish Publishing Co.), p.2.
- Ambrumenil P. (1997) *Mediation and Arbitration*, (Great Britain: Cavendish Publishing Ltd.), p. 54
- Stulberg J. B (2002) "Question," *Ohio State Journal on Dispute Resolution*, vol. 17, No. 3, p. 534.
- Abdul Hak N. (2007) "Family Mediation in Asia: A Special Reference to the Law and Practice in Malaysia," Vol. 15, No. 1 IIUMLJ pp. 125-128.
- Rashid S. K. (2007) *ADR in Malaysia*, pp. 4-5. See also his, "Issues Relevant to the Enactment of a Mediation Law in Malaysia and the Text of a Proposed Mediation

- Act 2009,” (Paper presented at the Asian-Pacific Mediation Forum Conference, Kuala Lumpur) p. 5.
- Owosaoye B. (2000) “Dispute Resolution Mechanisms and Constitutional Rights in Sub-Saharan Africa,” (Paper written for the United Nations Institute of Training and Research Sub-Regional Workshop on Arbitration and Dispute Resolution, Harare, Zimbabwe 11-15 September, Document Series No. 14
- Aina K. (2004) “ADR and the Relationship with Court Processes,” (Conference Paper presented at Nigerian Bar Association Annual General/ Delegate Conference, Abuja, 22nd -27th August, pp. 2, 6-13
- Ajibola B. (2005) “Recent Development in Arbitration and ADR in African Continent” in *Arbitration & Alternative Dispute Resolution in Africa*, edited by C. J. Amasike (Abuja: The Regent Printing & Publishing Ltd.), p. 18
- Rashid S. K. (2008) “How Stay of Arbitration” Could Bring About Quicker and Cheaper Settlement of Commercial Dispute,” LR 188, p. 270.
- The High Court of the Federal Capital Territory Abuja Civil Procedure Rules 2004. Lagos and Kwara State High Court Rules.
- The High Court of the Federal Capital Territory Abuja Civil Procedure Rules 2004.
- Interview by author with Barrister Abdul Rasaq Gold, Gold Chambers, Kwara State, Nigeria, 24th November, 2008.
- Interview by author with Mrs S. T. Usman, Director of the Citizens Mediation and Conciliation Centre, Ministry of Justice, Kwara State, Nigeria, 11th December, 2009
- Interview by author with Barrister Yekin Lawal, Mediator at the Citizens Mediation and Conciliation Centre, Ministry of Justice, Kwara State, Nigeria, 24th November, 2009
- Stulberg J. B. (2002) “Questions”, *Ohio State Journal on Dispute Resolution*, vol. 17, No. 3, pp. 539-543.
- Feerick J. D. (2003) “The Peace-Making Role of a Mediator”, *Ohio State Journal on Dispute Resolution*, Vol. 19, No. 1, p. 229