

## **NIGERIA: ARBITRATION AND MEDIATION BILL 2022**

Oluseyi Adejuyigbe, Olatunde Adejuyigbe & Co., Lagos, Nigeria

The extant Law governing Arbitration in Nigeria is the Arbitration and Conciliation Act 1988 (ACA 1988). For almost two decades, arbitrators in Nigeria have been clamouring for the Law to be amended and aligned with International best practices.

In May 2022, the Nigerian Legislature passed The Arbitration and Mediation Bill 2022 (AMB 2022) to repeal the ACA 1988 and same is awaiting the assent of the President.

The Arbitration and Mediation Bill 2022 is a huge improvement on the Arbitration and Conciliation Act with several novel introductions. The ACA 1988 was silent on the default number of arbitrators, but the AMB 2022 has now specified that the default number of arbitrators shall be one. In essence where the parties do not specify the number of arbitrators, the tribunal shall be made up of a sole arbitrator.

The AMB 2022 also made provision for the appointment of an emergency arbitrator. A party seeking emergency relief may apply for the appointment of an emergency arbitrator prior to the constitution of a tribunal. The application may be made at the same time a request for arbitration is made to the appointing authority or failing that, to the Court (S.16). The Bill makes detailed provisions for emergency arbitration proceedings.

An arbitral tribunal can now grant interim measures of protection and emergency relief at the request of a party under the AMA 2022, a provision not in ACA 1988.

Parties to an arbitration can agree for a review of the final award by a review tribunal; the review tribunal must render a decision within 60 days from the date it is constituted. The arbitral tribunal may order the consolidation of its proceedings with another including proceedings involving different parties albeit with the consent of those other parties (S.39).

Third party funding is another new provision introduced in the Bill; however, this is only applicable to international arbitrations. In a similar vein, foreign arbitral awards are to be recognized and enforced provided the country is a party to the New York Convention and the dispute arose out of a legal relationship considered commercial under the Laws of Nigeria whether such relationship is contractual or not (S.60).

The term ‘conciliation’ is replaced with ‘mediation’ and Part II of the Bill makes detailed provisions for domestic and international commercial mediations as well as domestic civil mediation. The Convention on International Settlement Agreements resulting from Mediation (Singapore Convention) is codified in the Bill (S.87) and set out in Schedule 4.

The arbitration community in Nigeria is hopeful that the Assent will be given to the Bill as this will positively impact on arbitration and hopefully boost the profile of the country as a friendly and formidable seat of arbitration on the Continent.