Interview on The Law Reform Framework of Nigeria: 11 August, 2021

Questions

- Can you provide us with a quick overview of the constitutional division of law-making powers in Nigeria, stating how each level of government is provided with the right to make law?

✓ Let me start by stating that Nigeria is a federation. In a federation, legislative powers are usually shared between the federating units. Accordingly section 2 of the Constitution of the Federal Republic of Nigeria, 1999, as amended ('the Constitution') provides thus:

> ***2.*** *(1) Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria.*
> *(2) Nigeria shall be a Federation consisting of States and a Federal Capital Territory.*

✓ Although there are three tiers of government, namely, federal, state and local governments, legislative powers are shared in the Constitution between the federal and state governments. This is expressly stated in section 4 of the Constitution thus:

> ***4.*** *(1) The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation, which shall consist of a Senate and a House of Representatives.*
> *(2) The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.*
> *(3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative*

List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States.

(4) In addition and without prejudice to the powers conferred by subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say:-

(a) any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and

(b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

(5) If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall, to the extent of the inconsistency, be void.

(6) The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.

(7) The House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters, that is to say:-

(a) any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.

(b) any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and

(c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

(8) Save as otherwise provided by this Constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.

(9) Notwithstanding the foregoing provisions of this section, the National Assembly or a House of Assembly shall not, in relation to any criminal offence whatsoever, have power to make any law which shall have retrospective effect.

- ✓ Basically Part II, Second Constitution to the Constitution provides for two legislative lists – Exclusive and Concurrent. In practice, there is a third unwritten list – the Residual List. Thus any matter not in the Exclusive and Concurrent List is in the Residual List and thus within the jurisdiction of the State Government.

- ✓ In the case of Local Governments, they derive their powers from section 7 of the Constitution. Subsections (1) and (5) of section 7 of the Constitution provides thus:

(1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the ***establishment, structure, composition, finance and functions of such councils.***

(…)

(5) The functions to be conferred by Law upon local government council ***shall include those set out in the Fourth Schedule to this Constitution.***

The Fourth Schedule provides as follows:

1. The main functions of a local government council are as follows --

(a) the consideration and the making of recommendations to a State commission on economic planning or any similar body on --

(i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and

(ii) proposals made by the said commission or body ;

(b) collection of rates, radio and television licences ;

(c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm ;

(d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts ;carts ;

(e) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences ;

(f) construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State ;

(g) naming of roads and streets and numbering of houses ;
(h) provision and maintenance of public conveniences, sewage and refuse disposal;
(i) registration of all births, deaths and marriages ;
(j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State ; and
(k) control and regulation of –
(i) out-door advertising and hoarding,
(ii) movement and keeping of pets of all description,
(iii) shops and kiosks,
(iv) restaurants, bakeries and other places for sale of food to the public,
(v) laundries, and
(vi) licensing, regulation and control of the sale of liquor.
2. The functions of a local government council shall include participation of such council in the Government of a State as respects the following matters --
(a) the provision and maintenance of primary, adult and vocational education ;
(b) the development of agriculture and natural resources, other than the exploitation of minerals ;
(c) the provision and maintenance of health services ; and
(d) such other functions as may be conferred on

a local government council by the House of Assembly of the State

- ✓ Local Governments have law-making powers. The law-making powers are usually in the laws establishing them. They have powers to make laws on matters in the Fourth Schedule to the Constitution and other matters provided in the enabling laws.

- ✓ Enactments made by the NASS are called acts; that of State Assemblies laws and the Local Government bye-laws.

o Could you provide some insights into the origins of bills? How are bills introduced into the National Assembly?

- ✓ Basically, a bill is a proposal to the legislative house for passage into law after complying with the requirements in the Constitution.
- ✓ It can be an Executive Bill (Government Bill) or Private Members' Bill.
- ✓ The power of the legislature to make laws shall be exercised by bills passed and generally assented to by the Executive. Accordingly, section 58 of the Constitution (s 100 for the States) provides thus:

> ***58.*** *(1) The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided by subsection (5) of this section, assented to by the President.*
>
> *(2) A bill may originate in either the Senate or the House of Representatives and shall not become law unless it has been passed and, except as otherwise provided by this section and section 59 of this Constitution, assented to in accordance with the provisions of this section.*
>
> *(3) Where a bill has been passed by the House in which it originated, it shall be sent to the other House, and it shall be presented to the President for assent when it has been*

passed by that other House and ***agreement has been reached between the two Houses on any amendment made on it [harmonization].***

(4) Where a bill is presented to the President for assent, he shall within thirty days thereof signify that he assents or that he withholds assent.

(5) Where the President withholds his assent and the bill is again passed by each House by two-thirds majority, the bill shall become law and the assent of the President shall not be required.

- To what extent does the Nigerian Law Reform Commission play an effective role in the reform process?

✓ I take it that you are referring to the reform of laws generally and not in the constitutional process.

✓ The powers of the Nigerian Law Reform Commission are statutory. Section 5 of the Nigerian Law Reform Commission Act, 2004 provides thus:

> ***5.*** *(1) Subject to the following provisions of this section, it shall be the duty of the Commission generally* ***to take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law.***
>
> *(2) For the purposes of subsection (1) of this section, the Commission-*

(a) shall receive and consider any proposals for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (hereinafter referred to as "the Attorney-General");
(b) may prepare on its own initiative and submit to the Attorney-General, from time to time, programmes for the examination of different branches of the law with a view to reform;
(c) shall undertake, pursuant to any recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposals for reform therein;
(d) shall prepare, from time to time, at the request of the Attorney-General, comprehensive programmes of consolidation and statute law revision, and undertake the preparation of draft legislation pursuant to any such programme approved by the Attorney-General.

- ✓ The work of the Nigerian Law Reform Commission goes through the Attorney General to the Federal Executive Council and thence to the National Assembly as Executive Bills. This procedure is rather long. There is always a challenge if Executive Bills are not passed in any legislative calendar – they need to be re-presented by the Executive otherwise members of any of the houses then adopt them as private members' bill (see the Reform Bills).
- ✓ Thus the Nigerian Law Reform Commission are involved in the law reform process.

o In your last interview, you talked about the establishment of NASSBER. Could you tell us about this body and its role in the law reform process?

- ✓ In December 2015, the National Assembly commissioned a comprehensive review of the institutional, regulatory, legislative and associated instruments affecting businesses in Nigeria with support from the ENABLE 2 programme of the UK DFID. I led the team. We identified the significance of MSMEs to Nigeria's economy. The key recommendation of the team was the need to amend, repeal or create legislations that would significantly improve the business environment in Nigeria and our ranking in the WB's **Doing Business Reports**.

- ✓ The Final Report of the team identified 54 Acts, 50 bills including 15 priority bills and several constitutional provisions for further legislative actions. The Final Report was submitted to the NASS on February 29, 2016.
- ✓ The National Assembly Business Environment Roundtable (NASSBER) was inaugurated on March 16, 2016 as a partnership between the Nigerian Economic Summit Group and the Nigerian Bar Association's Section on Business Law **to be the platform for the legislature and the private sector to engage, deliberate and act on a framework that will improve Nigeria's business environment through a review of relevant legislations and provisions of the Constitution.**
- ✓ The strategic objectives of NASSBER include leveraging on the credibility and technical grasp of relevant issues by the private to support the passage of the relevant bills and deepen stakeholder engagement and collaboration with the NASS.
- ✓ In pursuance of these objectives, NASSBER participates in NASS Public Hearings and provides technical support to the Standing Committees.
- ✓ In support of the various Standing Committees, NASSBER established various Technical Advisory Committee. An example is that of CAMA Reform – Technical Advisory Committee on CAMA Submitted to Senate Committee on Trade & Investment Commission in January 2018.

- ✓ NASSBER engagement with the NASS is organized around **12 thematic areas** each covering an economic or business subject. These thematic areas include trade, arbitration and dispute resolution, regulations, public finance and taxation, investments, infrastructure and urban development.
- ✓ At the end of the 8th Session of the NASS, 26 out of the 108 NASSBER Bills were passed, 13 assented to by the President and 13 were declined.
- ✓ NASSBER is still pursuing the passage of the remaining bills.

Application to Arbitration Law Reform:

o Could you provide us with a snapshot of the extant legal framework for international commercial arbitration in Nigeria?

- ✓ Arbitration can be domestic or international. In Nigeria, section 57(2) of the Arbitration and Conciliation Act, 2004 ('the ACA') provides for when an arbitration is international thus:

(2) An arbitration is international if –

(a) the parties to an arbitration agreement have, at the time of the conclusion of the agreement, their places of business in different countries; or

(b) one of the following places is situated outside the country in which the parties have their places of business-

(i) the place of arbitration if such place is determined in, or pursuant to the arbitration agreement,

(ii) any place where a substantial part of the obligation of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or

(c) the parties have expressly agreed that the subject matter of the arbitration agreement relates to more than one country; or

(d) the parties, despite the nature of the contract, expressly agree that any dispute arising from the commercial transaction shall be treated as an international arbitration.
(3) For the purposes of subsection (2) of this section-
(a) if a party has more than one place of business, the place of business shall be that which has the closest relationship to the arbitration agreement;
(b) if a party does not have a place of business, reference shall be made to his habitual residence.

- ✓ Other than the ACA that provides for both domestic and international arbitration (Parts I -IV), Nigeria is a signatory to the following instruments:
  - 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
  - 1965 Washington Convention on the Settlement of Investment Disputes Between States and Nationals of other Contracting States
- ✓ Lagos State is in a unique position. Prior to 1988, every state in Nigeria had its own Arbitration Law and the Arbitration Act for the FCT. The ACA was promulgated as a decree in 1988 and applied throughout the federation.
- ✓ Since May 1999 when the Constitution came into effect, there have been questions concerning the constitutional basis of the ACA, for example, is it an existing law that can be modified under section 315 of the Constitution; secondly is arbitration and conciliation in the Exclusive or Concurrent Legislative Lists?
- ✓ The view of Lagos State is that arbitration is a residual matter and has therefore passed the following laws:
  - Arbitration Law, 2009
  - Lagos Court of Arbitration Law, 2009
- ✓ The Lagos Court of Arbitration was established under the Lagos Court of Arbitration Law, as an independent dispute resolution centre. The work of the Lagos Court of Arbitration (LCA) is not limited to Lagos and/or Nigeria.

- ✓ The use of "Lagos" in the name simply denotes where the headquarters of the LCA is domiciled.
- ✓ The LCA is an international centre for arbitration and ADR serving clients in Nigeria and Africa

- ✓ The LCA has International Centre for Arbitration and ADR (ICAA)
- ✓ Rivers State has also passed the Arbitration Law, 2019.

o Can you give us some insights into the legislative history of the above framework?

- ✓ As at amalgamation in 1914, we had the Arbitration Ordinance which was the UK Arbitration Act, 1899 and applied throughout the country. This Ordinance later became the Arbitration Law of the four Regions and the Arbitration Act for the FCT until 1988 when the Arbitration and Conciliation Decree (now Act or ACA) was promulgated on 14 March, 1988.
- ✓ The ACA was influenced by the provisions of the Arbitration Act, 1958 and the 1985 UNCITRAL Model Law on International Commercial Arbitration.
- ✓ Also section 58 of the ACA provides that it shall apply throughout the federation.
- ✓ On May 29, 1999, a new constitutional and democratic regime emerged founded on the Constitution. Under section 315 of the Constitution, existing laws could be modified to comply with the provisions of the Constitution. Was the ACA an existing law? This is being questioned.
- ✓ In my view, it remains a federal enactment while all the states except Lagos and Rivers are using the Arbitration Laws prior to 1988. It is sad that these States are using the 1899 Arbitration Ordinance of the UK while the UK has progressed to the Arbitration Act, 1996.
- ✓ There is also a huge debate as to whether **arbitration is part of the Alternative Dispute Resolution Processes (ADR)**. There are jurisprudential and conceptual issues here. For me, the scope and

meaning of ADR depends on how ADR is defined – alternative to litigation or dispute resolution process that is non-binding.

- ✓ **The attempt to define ADR is compounded by the fact that it is like a river with many tributaries** – unilateral action, private judging, expert determination/appraisal, arb-med, med-arb, Ombudsman, early neutral evaluation, mini-trial (executive tribunal), and court annexed arbitration, Dispute Resolution Board (DRB) or Dispute Adjudication Board (DAB).
- ✓ All these informed the decision to set up the Orojo Committee. One of the issues that confronted the Orojo Committee was the status of the ACA and whether arbitration and conciliation are matters for the federal or state governments.
- ✓ After consideration of the provisions of items 62(a) and 68 of the Exclusive Legislative List dealing with 'trade and commerce between Nigeria and other countries and trade and commerce between the States' and 'any matter incidental or supplementary to any matter mentioned elsewhere in the list' respectively and taking into account the fact that arbitration and conciliation are means of resolution of disputes arising from trade and commerce and are incidental and supplementary to item 62, the Committee made its recommendations as shown below.

o How effective is the legal framework of international commercial arbitration in Nigeria?

- ✓ Other than reform of the Arbitration and Conciliation (now Mediation) Bill that has been in the NASS since 2007, I think that Nigeria has an effective legal framework of international arbitration.
- ✓ The ACA and the present Bill before the NASS were influenced by the UNCITRAL Model Law on International Commercial Arbitration, 1985 and 2006.
- ✓ Besides, when the present Bill was drafted, it was sent to UNCITRAL for review.

- ✓ So we can say that we have an effective legal regime on international commercial arbitration in Nigeria.

- o What has been the main impediment to effective practice?
  - § Such as judicial intervention?
- ✓ I think that there has been a failure on the part of some judicial officers to appreciate the import of section 34 of the ACA that provides that courts should not intervene in arbitral proceedings except as provided in the ACA.
- ✓ Similarly the courts have used the provision of section 30 of the ACA on the meaning of 'misconduct' to unnecessarily set aside otherwise valid and enforceable arbitral awards.
- ✓ This is being remedied by the work of the Nigerian Judicial Institute - see section 3(1) and (2) of the National Judicial Institute Act, 2004

  3. (1) The Institute shall serve as the principal focal point of judicial activities relating to the promotion of efficiency, uniformity and improvement in the quality of judicial services in the superior and inferior courts.

  (2) For the purposes of subsection (1) of this section, the Institute is hereby empowered to-

  (a) conduct courses for all categories of judicial officers and their supporting staff with a view to expanding and improving their overall knowledge and performance in their different sections of service;

  (b) provide continuing education for all categories of judicial officers by undertaking, organising, conducting and facilitating study courses, lectures, seminars, workshops, conferences and other programmes related to judicial education.
- ✓ Secondly, I would like to refer you to the Practice Directions issued by the former Hon Chief Justice of Nigeria, Justice Walter Onnoghen (retired) dated 26th May, 2017 directing Heads of Courts as follows:

a) *That no court shall entertain an action instituted to enforce a contract or claim damages arising from a breach thereof, in which the parties have, by consent, included an arbitration clause and without first ensuring that the clause is invoked and enforced.*
b) *The courts must insist on enforcement of the arbitration clause by declining jurisdiction and award substantial costs against parties engaged in the practice.*
c) *A party who institutes an action in court to enforce breach of contract containing an arbitration clause without first invoking the clause is, himself, in breach of the said contract and ought not be encouraged by the courts.*

- ✓ Despite, courts still entertain frivolous challenges to arbitral awards.
- ✓ In sum, the impediments have been the attitude of some courts, the indifference of some legal practitioners to arbitration agreement and the attitude of users.
- ✓ I must confess that the situation is changing and more and more courts are pro-arbitration and thus not granting anti-arbitration injunctions.

o What have been the challenges in the reform of the Nigerian Arbitration Act?

§ The constitutional issues

- ✓ One main constitutional issue is whether arbitration is on the Exclusive or Concurrent List.
- ✓ Getting the Bill passed since 2007
- ✓ Another is the role of courts – does arbitration ousts the jurisdiction of the courts in view of the provisions of section 6 of the Constitution?
- ✓ Secondly, is arbitration seen as a first step to litigation
- ✓ Can we make the Court of Appeal the final court for arbitral matters?

§ The competing bills

- ✓ Attempts have been made since 2011 to regulate arbitration and mediation despite the fact that these processes are consensual.
- ✓ We have been on this road since 2007 with the Draft *ACA* 2007 but the attempts to regulate ADR processes started since 2011. We had the National ADR Regulation Commission Bill, 2011 – almost similar to this 2019 ADR Bill in terms of accreditation and registration that we 'killed'.
- ✓ Now we have the ADR Bill 2019 which we are again objecting to.

o Could you tell us about the *National Committee on the Reform and Harmonization of Arbitration and ADR Laws in Nigeria?*
What were the terms of reference for this committee?

✓ The terms of reference were:

- To review Nigeria's laws on arbitration and other ADR mechanisms with a view to proposing necessary reforms and to bring the laws in line with modern trends, and
- To perform such other acts as are necessary for the realization of the objective of giving Nigeria a modern law and procedure on alternative disputes resolution.

§ Who were some of its members?

✓ The members of the Committee were:

(i) The Hon. Dr J. Olakunle Orojo *C.O.N., O.F.R., FCI.Arb* (Chairman)
(ii) H.E. Prince Bola A. Ajibola, *K.B.E, S.A.N.*
(iii) Chief (Mrs) Tinuade Oyekunle *FCI.Arb*
(iv) Mr. Muhammed Belo Adoke
(v) Mr. Paschal Madu
(vi) Dr. Paul Idornigie
(vii) Mr. Kelvin Nwosu
(viii) Mrs. Doyin Rhodes-Vivour *FCI.Arb*
(ix) Mr. Tony Amokeodo

(x) Mrs. Bakare (Director, Solicitors Department, Federal Ministry of Justice)
(xi) Mr. Dele Belgore, *S.A.N. FCI.Arb*
(xii) Mr Tunde Busari *FCI. Arb*
(xiii) Mr. Gbola Akinola
(xiv) Chief J. K. Gadzama *S.A.N., MCI.Arb)*
(xv) Babatunde J. Fagbohunlu *MCI.Arb* (Secretary to the Committee)

o Could you give us insights into the key recommendations of the committee?

a) That the Federal Government has the constitutional power and competence to legislate on arbitration and conciliation but only in respect of trade and commerce which are international or inter state
b) That arbitration and conciliation in respect of matters not covered by item 62 of the Exclusive Legislative List are outside the legislative powers of the Federal Government, being residuary and, therefore, within the legislative competence of the States.
c) That in these circumstances, two sets of statutes are required, namely,
   i) A Federal Arbitration and Conciliation Act which will apply to international trade and commerce and trade between the States
   ii) A Uniform Arbitration and Conciliation Law for the States to adopt as desired. It is suggested that the draft of the Uniform Arbitration and Conciliation Law should be considered and approved by the Conference of Attorneys-General as necessary

✓ It is noteworthy that it is this draft Uniform Arbitration and Conciliation Law that Lagos and Rivers States adopted and passed into law as the Arbitration Law, 2009 and 2019 respectively.

§ A review of some of the most pertinent suggestions:

· Agreement in writing?

- ✓ Unfortunately, section 1 of the Arbitration and Conciliation Act still captures the provisions of Art 7(2) of the UNCITRAL Model Law on International Commercial Arbitration, 1985 thus:

1. (1) Every arbitration agreement shall be in writing contained-

(a) in a document signed by the parties; or

(b) in an exchange of letters, telex, telegrams or other means of communication which provide a record of the arbitration agreement; or

(c) in an exchange of points of claim an of defence in which the existence of an arbitration agreement is alleged by one party and denied by another.

(2) Any reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement if such contact is in writing and the reference is such as to make that clause part of the contract.

- ✓ However, section 2 of the draft Arbitration and Mediation Bill now before the NASS has adopted the definition in the UNCITRAL Model Law of 2006 (Art 7 (Option I) thus:

2(1)'Arbitration agreement' is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) The Arbitration agreement shall be in writing.

(3) **An arbitration agreement is in writing if its content is recorded in any form, whether or not the arbitration agreement or contract has been concluded orally, by conduct, or by other means.**

(4) The requirement that an arbitration agreement be in writing is met by an electronic communication if the information contained therein is accessible so as to be useable for subsequent reference.

(5) Furthermore, an arbitration agreement is in writing if it is contained in an exchange of points of claim and defence in which the existence of an agreement is alleged by one party and not denied by the other.

- Review of awards?

✓ Increasingly, Nigerian courts are appreciating their role in arbitration especially the provision of section 34 of the Act.
✓ The definition of 'misconduct' in section 30 of the Act is at large.
✓ Applications to set aside an award are unlike an appeal where the appellate court can review the merits of a case. There are restricted grounds for setting aside an award in sections 29 and 30 (domestic award) and 48 (international award).

- Given the age of the report of the committee, to what extent do we require renewed appraisal of the needs of the Nigerian Arbitration framework and how may we set about this?

✓ The draft bill arising from the work of the Orojo Committee got to the NASS in 2007 and it is still there.
✓ In 2017, the Nigerian Arbitral Community updated the Bill, submitted it to the NASS and made a presentation at a Public Hearing on the reform of the Act. At the presentation we gave a background to the Act, the fact that the bill had been updated to incorporate the 2006 UNCITRAL Model Law on International Arbitration and international arbitral practice.
✓ In 2018, the UNCITRAL adopted the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018. This Model Law amended the UNCITRAL Model Law on International Commercial Conciliation, 2012.
✓ In the same year, that is, 2018, the UN adopted the United Nations Convention on International Settlement Agreements Resulting from

Mediation (New York, 2018) (the "Singapore Convention on Mediation").

- ✓ In consequence, we re-drafted the Arbitration and Conciliation Bill before the NASS and changed the name to Arbitration and Mediation Bill. This new Bill has incorporated the provisions of both the UNCITRAL Model Law on International Mediation, 2018 and the UN Convention on International Settlement Agreements Resulting from Mediation, 2018.
- ✓ Thus our Bill is UNCITRAL compliant.

- What expectations should we hold for the reform of Arbitration laws in Nigeria in the near future?

- ✓ For me, what we expect from the reform of Arbitration Laws in Nigeria depends on the attitude of the stakeholders – the judicial officers, legal practitioners, investors and the general public.
- ✓ I expect that the Arbitration & Mediation, 2019 Bill now before the NASS is passed into law soon before it is overtaken by events like the 2007 version that we modified in 2017.
- ✓ With continuing education on the virtues of arbitration, I am convinced that arbitration has a bright future in Nigeria.

THE END.