Ijems Ideal Journal of Economics and Management Sciences 5(1) 8-14 Ijems
© Ideal True Scholar (2019) (ISSN: 2067-7721)
http://ijems.truescholar.org

EXAMINING THE ALTERNATIVE DISPUTE RESOLUTION PROCEDURES THAT EXISTS IN NIGERIAN BUSINESS ORGANIZATIONS

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ABSTRACT

Disputes are inevitable facts of our lives. Different commercial, legal and even social expectation can be sources of disagreement. There are enormous problems in using alternative disputes resolution some of them include, Unnecessary and frequent delays in judicial proceedings which have great adverse effects on the administration of justice in Nigeria. This situation is brought about by the congestion of cases in the courts arising from among other factors, unnecessary adjournments leading to unusual long time duration in deciding an otherwise simple case. Lawyers have also not helped matters as they are in the habit of delaying cases especially whenever they discover that the pendulum is swinging in favour of their clients. They resort to legal tactics which in one way or the other frustrate the court from deciding the matter expeditiously. However, alternative disputes resolution comprises a wide variety of processes which can be fashioned to meet the specific needs of parties in resolving disputes with each process being an alternative to litigation. In a qualitative style of writing, this paper seek to examine the alternative dispute resolution procedures that exists in Nigeria business organization as part of its significance. The scope of the studies covers parties in business. In addition, the study will be of enormous benefits to researchers that will in the future want to write on similar topics and also to individuals who want to venture into business, this is because it will give them an idea on how to deal with parties in business when disputes arise. In conclusion, the concepts of alternative disputes resolution have come to stay and the growth of the alternative disputes resolution process has been enhanced as a reason of the fact that time, money and energy input to litigation is often not worth the while on the long run.

KEYWORDS: Arbitration, Conciliation, Dispute, Litigation, Mediation

INTRODUCTION

The term Alternative Dispute Resolution (ADR) is used generally to describe the different methods and procedures used in resolving dispute either as alternatives to the traditional dispute resolution mechanism of the court system or in some cases supplementary to such mechanisms. Alternative

Dispute Resolution comprises various approaches for resolving disputes in a non-confrontational way, ranging from negotiation between the two parties, a multi-party negotiation, through mediation, consensus building, to arbitration and adjudication. ADR can also be referred to as everythingfrom facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other prior to some other legal process, to arbitration systems or mini-trials that look andfeel very much like a courtroom process.

Disputes are inevitable facts of life. Different commercial, legal and even social expectations can be sources for disagreement. Genuine differences can concern the meaning of contracts terms, the legal implication for a contract and the respective rights and obligations of the parties.

Extraneous factors and human frailties, whether through mismanagements or over expectation, will also interfere with contractual performance. For example, a major area of dispute is failure to pay or wish not to pay for goods bought and therefore a party is seeking an excuse or justification to refuse to pay all or part of the contract price.

Litigation is the most recognized and established form of dispute resolution system in Nigeria and even in the world today. All other systems have come to assume secondary roles and have become alternatives to the court system. Thus, the concept of ADR therefore comprises a wide variety of processes, which can be fashioned to meet the specific needs of parties in resolving disputes; each process being an alternative to litigation. These processes can be used singly or in combination with others but the fundamental characteristics is that they all focus on bringing disputing parties together, diffusing adversarial negotiations through an impartial third party and mutually agreeing on terms of settlement, whether in managing community tensions, landlord and tenants frictions or resolving multi-million Naira disputes.

An inquiry at the gradual development of ADR in Nigeria has shown that the process of Litigation has become more and more time consuming, expensive and unduly cumbersome because of the considerable rise in the number of cases in our court which have led to congestion and delay in their resolution.

Some disputes are sensitive and confidential in nature and disputants may prefer settlement in private to one in public glare of court. In addition, the complexity of court litigation

tends often times towards increase in costs which disputants are naturally anxious to reduce. On the other hand, there may be claims involving small sums, which may not be worth the cost of litigation. All these have led to the development of alternative methods of resolving disputes. As earlier stated Litigation process was and is still unduly expensive in the long run and especially prolonged as a result of judicial technicalities embedded in litigation in Nigeria.

Statement of Problems

i. Unnecessary and frequent delays in judicial proceedings have great adverse effects on the administration of justice in Nigeria. This situation is brought about by the congestion of cases in the courts arising from among other factors, unnecessary adjournments leading to unusual long time duration in deciding an otherwise simple case.
ii. Lawyers have also not helped matters as they are in the habit of delaying cases especially whenever they discover that the pendulum is swinging in favour of their clients. They resort to legal tactics which in one way or the other frustrate the court from deciding the matter expeditiously.

Significance of the Study

This paper seeks to examine the alternative dispute resolution procedures that exists in Nigeria business organization as part of its significance. In addition, the study will be of enormous benefits to researchers that will in the future want to write on similar topics and also to individuals who want to venture into business, this is because it will give them an idea on how to deal with parties in business when disputes arise.

What Is Alternative Dispute Resolution (ADR)

ADR is defined in various ways. The National Alternative Dispute Resolution Advisory Council (NADRAC) has defined ADR as an 'umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues between them' (National Alternative Dispute Resolution Advisory Council, 2006).

Some methods, such as mediation, involve seeking resolution by agreement reached between the parties. Other methods for resolving disputes, such as arbitration, may involve binding determination by a third party. There are also a variety of 'alternative' means by which judicial officers may involve independent third parties to assist in the resolution of cases that are being litigated. ADR techniques may be used to determine some or all of the legal and factual issues in dispute. Some 'hybrid' ADR methodologies may involve a combination of different techniques or processes. In cases which are the subject of litigation in courts, ADR may be employed by agreement between the parties, at the suggestion of the court or by direction or order of the court. Sometimes the term ADR includes approaches that enable parties to manage and resolve their own disputes without outside assistance.

Although there is widespread support of the use of ADR there is controversy about a number of issues, including whether litigants should be compelled to participate in ADR, particularly in processes which may have a non-consensual binding outcome. There are also divergent views about both the policy question of whether judicial officers should directly participate in ADR processes and the practical issue of the resources required to facilitate this.

ADR is increasingly referred to as 'appropriate dispute resolution', in recognition of the fact that such approaches are often not just an alternative to litigation, but may be the most appropriate way to resolve a dispute'(Department of Justice, 2014). NADRAC has classified dispute resolution processes as facilitative, advisory, determinative or hybrid (NADRAC, 2003).

Facilitative processes: the dispute resolution practitioner assists the parties to a dispute to identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement about some issues or the whole of the dispute.

Facilitative processes include negotiation, facilitation, conferencing and mediation (Tania, 2003).

Advisory processes: the dispute resolution practitioner considers and appraises the dispute and provides advice as to the facts of the dispute, the law and, in some cases, possible or desirable outcomes, and how these may be achieved. Advisory processes include expert appraisal, case appraisal, case presentation, mini-trial and early neutral evaluation.

Determinative processes: the dispute resolution practitioner evaluates the dispute (which may include the hearing of formal evidence from the parties) and makes a determination. Examples of determinative dispute resolution processes are arbitration, Expert determination and private judging.

Some Forms of ADR

Over the years, several alternatives have been found to litigation. ADR may be classified into two, mainly binding and Non-binding ADR. Non-binding ADR includes Negotiations, Mediation, Conciliation and neutral Evaluation. These methods of ADR are mainly consensual and reconciliatory. Binding ADR includes Arbitration, Mini-Trial Expert Determination of Issues and Mediation-Arbitration which is also known as Med-Arb.

Early Neutral Evaluation (ENE)

This is a technique whereby an impartial senior lawyer or retired judge or magistrate may evaluate the likely outcome of a case if it were to proceed to trial. This is expected to lead to more realistic negotiation between the parties, without any influence on the path or process of negotiation, nor any binding judgment imposed.

Mediation

This process involves a neutral third party whose intervention facilitates communication and negotiation between the disputing parties to foster a mutually agreed settlement between them. It is a voluntary private dispute resolution process in which an impartial third party assists

parties to reach a negotiated settlement. The process and the outcome are non- binding. The mediator is actively involved in the negotiation process but, unlike a judge or arbitrator, he has no power to impose a settlement, rather he assists in shaping solutions to meet the parties' mutual interests and achieve reconciliation.

Conciliation
It is a process by which one or more independent person(s) is selected by the disputing parties to facilitate a settlement of their dispute through a particular procedure. Essentially the role of the conciliator is facilitative. The process and outcome are also non- binding. Like mediation, agreements reached in conciliation amounts at best to gentleman's agreement.

Expert Determination (ED)
This process is also known as Valuation. Expert determination is a voluntary process in which a neutral third party, who is usually an expert in the field in which the dispute arises gives binding determination on the issues in dispute. A dispute may be referred to an expert determination either by means of a term in a pre-existing agreement or on an ad-hoc basis. This type of ADR is very common in Europe and some commonwealth jurisdiction and it is particularly well established in the construction industry.

Negotiation
A process whereby two or more parties seek to reach a consensual agreement. There may be no third party involvement. The principals usually act for themselves or have their legal representatives' act on their behalf. There are usually no rules of procedures imposed on such procedure.

Mini- Trial
A process whereby information is exchanged before a panel comprising of representatives of the disputants who are authorized to reach an agreement. Usually there will be an impartial third party who with the rest of the panel will hear both sides of the disputes and chair a question and answer sessions with all the participants after which the panel will seek to negotiate a settlement.

Arbitration
An Arbitration is the ' reference of dispute or difference between not less than two parties, for determination after hearing both parties in a judicial manner by a person or persons other than a court of competent jurisdiction'. In other words, 'arbitration' is a term applied to an arrangement for taking and abiding by the judgment of a selected person in some disputed matter rather than take it to an established court of justice. The arbitrator can thus be regarded as a private judge; who determines controversies between two or more disputing parties.

Mediation - Arbitration
This is a two-step dispute resolution process involving both mediation and arbitration, In Med-Arb parties try to resolve their differences through mediation, and where mediation fails to resolve some or all the areas of the dispute, the remaining issues are automatically submitted to binding arbitration. The process uses a neutral party who is skilled in both procedures.

Reasons for ADR
So many reasons has been advanced for ADR in the introduction, paragraph, however it is very obvious that one of the major reason why ADR is gradually becoming a household approach to dispute resolution is because of the delay suffered by Litigants in the normal court system. Most importantly is the reason that ADR creates the avenues and platforms for amicable resolution of *already existing or intending* conflicts or disputes in such a way that it is quick, cost less and at the same time does not infringe on the rights and privacy of the parties. However, disputes can be defined as a lack of compromise between parties. Disputes can also be said to arise when parties fail to reach satisfactory bargain over an issue. Invariable the parties are unwilling to concede to each other without the right benefit. When such phenomenon arises, the process of ADR is set up either through facilitating a resolution, i.e. by bringing the parties to acknowledge and appreciate their differences and therefore reach a mutually beneficial conclusion, or by providing the parties with a mutually binding decision, i.e. through the establishment of rights and commitments.

In addition to the aforementioned, other purposes of ADR include:
-To serve as alternative to litigation
- It is used to create a 'win-win' situation between parties by providing resolutions that the parties agree and are happy with - Its process involves the use of negotiation skills to achieve and develop agreement that are beneficial to parties.
- It is designed to engage in constructive and unambiguous dialogue to fashion out a path to resolution.
- Tailored resolutions to disputants needs
- Speedy and informal settlement of disputes
- Increased satisfaction and compliance with the resolutions in which the parties themselves has participated.
-It is meant to be voluntary, flexible and used to serve the parties interest

Features of ADR
1. **Informality**: ADR processes are less formal than the traditional court process. In most cases the rules of procedures are flexible, without formal pleadings, extensive written documentations and rules of |evidence. This informality is what is attractive and appealing to disputants, who may be intimidated by or unable to participate in more formal system.

2. **Equity/Fairness**: ADR mechanisms are instruments for the application of equity rather than the rule of Law. This is so because each case is decided by a third party or negotiated between disputants themselves based on principles and terms that agreeable and fair in the particular case rather than on uniformly applied legal standards.

3. Direct Participation: Another major characteristic of ADR is the direct participation of disputants in the process and designing of the settlement. This allows for an opportunity for reconciliation between parties and an

atmosphere for result oriented, quick and cheap dispute resolution

Advantages of ADR

Some of the benefits of ADR include:

1. ADR can allow access to justice: For example, as there can be cost and time savings in ADR, it can be more accessible to those of limited financial means (Parliament of Victoria, 2007).
2. ADR can be faster: A dispute can often be resolved in a matter of months, even weeks, through ADR, while a legal proceeding can take years.
3. ADR can save time and money: Court costs, lawyers' fees and experts' fees can be saved. There can also be savings for the courts and government.
4. ADR can permit more participation: The parties may have more chances to tell their side of the story than in court and may have more control over the outcome.
5. ADR can be flexible and creative. The parties can choose the ADR process that is best for them. For example, in mediation the parties may decide how to resolve their dispute. This may include remedies not available in litigation (e.g. a change in the policy or practice of a business).
6. ADR can be cooperative: The parties may work together with the dispute resolution practitioner to resolve the dispute and agree to a settlement that makes sense to them, rather than work against each other in an adversarial manner. This can help preserve relationships.
7. ADR can reduce stress: There are fewer court appearances. In addition, because ADR can be speedier and save money, and because the parties are normally cooperative, ADR is less stressful.
8. ADR can remain confidential: Unlike the court system where everything is on the public record, ADR can remain confidential. This can be particularly useful, for example, for disputes over intellectual property which may demand confidentiality.
9. ADR can produce good results: Settlement rates for ADR processes are often very high, generally between 50% and 85% (Mack, 2003).
10. ADR can be more satisfying: For the above reasons, many people have reported a high degree of satisfaction with ADR. (Hilary, 2007).

Disadvantages of ADR

Some of the disadvantages of ADR include

1. Suitability: ADR may not be suitable for every dispute—for example, if a party wishes to have a legal precedent or it is a public interest case, judicial determination may be more appropriate.
2. Lack of court protections: If ADR is binding, the parties normally give up most court protections, including the right to a decision by a judge or jury, based on admissible evidence, and appeal rights; also, in the case of judicial decisions, the right to reasons for the decision.
3. Lack of enforceability: The durability of ADR agreements can be an issue if they lack Enforceability (NADRAC, 2006).
4. Disclosure of information: There is generally less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information about the strengths and weaknesses of their respective cases.
5. Cost of ADR: Dispute resolution practitioners may charge a fee for their services. If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a court hearing.
6. Delay: ADR adds an extra step, which may increase delay.
7. Fairness: ADR processes may not be as fair as court proceedings. Procedural rules and other laws governing the conduct of court proceedings contain many safeguards to ensure the fairness of the process and the outcome. These are not necessarily included in ADR. (NADRAC, 1997). In addition, there may be power imbalances if a party is not represented.
8. Delaying tactics: ADR processes can be used as a delaying tactic or to obtain useful intelligence on an opponent before proceeding with litigation.
9. Inequality: Effective ADR requires that parties have the capacity to bargain effectively for their own needs and interests. A party may be vulnerable where there is an unequal power relationship, particularly if the party is not represented.

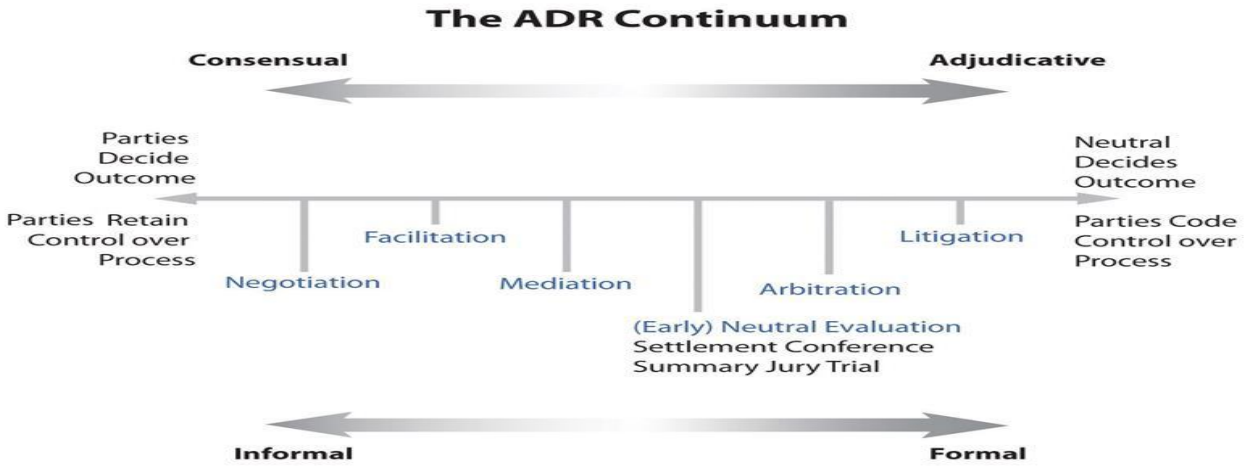

Figure 1: The ADR Continuum.
Source: Lau and Johnson (2014).

Alternative Dispute Resolution Mechanisms for Business Organizations

ADR is sometimes thought of as a new phenomenon, originating as an alternative to modern court processes in the 1960s in the USA. However, the central idea of ADR as a way of resolving disputes through a consensual and negotiated process rather than a confrontational and adversarial one is deeply rooted in history, and ADR processes are often linked to ancient traditional processes (World Bank Group, 2011, p. 4; Fiadjoe, 2004, pp. 2-6). Modern justice systems are oriented towards fact-finding and deciding right and wrong, while traditional justice and modern ADR place more emphasis on repairing and maintaining relationships, and so are well-suited for parties that expect to continue to work together in the future (Diamond, 2013; Fiadjoe, 2004; World Bank Group, 2011, p. 5).

In **arbitration**, the disputing parties agree to settle their differences in a private process outside the court system by appointing a neutral third party to render a decision (World Bank Group, 2011, p. 10; Fiadjoe, 2004, p. 27). Arbitration is governed by national law and leads to a binding decision that is enforceable through the courts (World Bank Group, 2011, p. 10). Arbitrators are frequently chosen for expert knowledge of the industry concerned in the dispute (World Bank Group, 2011, p. 11). The process is flexible and adaptable. Parties typically commit to using an established arbitral organization with a fixed set of rules which serves as a buffer between the parties and helps preserve neutrality, uniformity, and efficiency (Shah & Gandhi, 2011, pp. 233-234). The proceedings are less formal than litigation and aspects such as rules of evidence are more relaxed (Fiadjoe, 2004, p. 27). Arbitration is typically faster and cheaper than litigation (although this can depend on the complexity of the dispute and the willingness of the parties to cooperate). It offers the parties confidentiality, and may be more amicable than litigation (World Bank Group, 2011, pp. 10-12; Shah & Gandhi, 2011, p. 233; Fiadjoe, 2004, p. 28).

Mediation is an informal, consensual, and highly flexible process in which a neutral third party actively facilitates a negotiation process. The mediator helps the parties identify issues, solve problems, and explore alternatives, although the parties retain full control of the process. Mediators are selected for knowledge of the issues relevant to the dispute and are often senior lawyers, trusted members of a trade, or community elders. A mediated solution is mutually agreed but is not binding or externally enforceable. Mediators will refrain from suggesting solutions to the parties, but **conciliation** is a related process in which the neutral third party may give advice on settlement options and make proposals or recommendations. Mediation and conciliation are useful for complex disputes, when the parties are willing to negotiate, and when the parties are seeking to maintain (or repair) a long-term relationship. Because the process is consensual and flexible, however, parties can withdraw at any time, and the rules of procedure are not predefined which may result in less predictability. (World Bank Group, 2011, pp. 12-18; Fiadjoe, 2004, pp. 22-24)

Online dispute resolution (ODR) is a new approach in which standard ADR procedures like arbitration and mediation are carried out online (Albornoz& Martín, 2012, p. 6). ODR can be used for both domestic and international disputes, but is particularly suited to low-value disputes between parties located far enough apart that the cost of in-person appearances would be prohibitive, and to disputes arising from e-commerce transactions (Albornoz& Martín, 2012, pp. 7-8, 12-13). ODR can either use technology to help parties resolve a dispute by themselves fairly and transparently, or can facilitate communication which may involve a neutral third party (Fowlie, Rule, &Bilinsky, 2013, p. 51). In *assisted* or *automated negotiation*, the technology guides the parties through a dispute resolution process by asking questions, providing prompts, or providing a system or bidding for compensation without the involvement of a human third party. In *online mediation or arbitration*, a more conventional ADR process with a human mediator or arbitrator is conducted over the Internet. Platforms for conducting these processes are operated by private companies such as Modria, CyberSettle, SmartSettle, Juripax, and the Mediation Room (Albornoz& Martín, 2012, pp. 9-12; Fowlie, Rule, &Bilinsky, 2013, pp. 51-52).

ODR is being used to mediate commercial disputes in Latin America, including both business-to-business and business-to-consumer transactions. It appears to offer opportunities for quick and low-cost resolution of disputes, but there is not yet a clear legal framework for ODR, trust in online transactions is limited, and ICT infrastructure is weak (Albornoz& Martín, 2012). A UNCITRAL working group is developing international standards for online dispute resolution, both for business-to-business and business-to-consumer transactions (International Institute for Conflict Prevention & Resolution, n.d.).

Less widely used mechanisms for commercial ADR include:

- **Expert determination** involves an independent technical expert who is appointed to decide the dispute on technical grounds rather than through a negotiated process. The expert's decision is binding and there is no right of appeal. This approach is used for disputes involving valuation or disputes of a purely technical nature. (World Bank Group, 2011, p. 14)
- **Early neutral evaluation** also relies on an independent technical expert who carries out a preliminary assessment of facts, evidence, and/or legal arguments and expresses an opinion on the dispute. The expert's opinion is not binding, but gives the parties an independent evaluation of their relative positions and some guidance as to the likely outcome should the dispute proceed to court. It helps the parties clarify the issues at stake and assess their positions and prospects for resolution, can provide a basis for further negotiation, and can avoid further unnecessary stages in the dispute. (World Bank Group, 2011, pp. 14-15; Fiadjoe, 2004, p. 26)
- **Stakeholder dialogue** is a process related to mediation, in which the views of multiple stakeholders are sought, rather than just those of the

disputing parties. It may be used where there are large numbers of interested parties, such as in the case of large-scale infrastructure projects or environmental protection cases affecting many people. (World Bank Group, 2011, p. 15)

- **Dispute resolution boards** are used infrequently, and mainly in the construction sector. They involve panels of impartial professionals formed at the beginning of a project and which stay involved throughout the duration of the project to help avoid and resolve disputes. Decisions are not necessarily binding but the overwhelming majority of disputes referred to such boards are resolved. (World Bank Group, 2011, p. 15)
- An **ombudsperson** is a type of arbitrator frequently used in the public sector, and for resolving customer complaints in regulated industries when other complaint-handling processes have failed. They are rarely used in business-to-business disputes but may be used in business to handle internal complaints from employees. Mediation is often offered as part of the process. (World Bank Group, 2011, p. 16; Fiadjoe, 2004, pp. 24-25)

These principal ADR processes are summarized in the table below:

Table 1: ADR Process.

ADR Processes	Role of the neutral	Nature of a dispute	Preserving relationship between parties
Adjudication-based – Arbitration – Adjudication[1] – Expert determination	Providing a final and binding decision	Legal and technical questions prevail	Not important
Recommendation-based – Conciliation – Early neutral evaluation	Providing nonbinding recommendations	Factual questions prevail	Important
Facilitation-based – Mediation – Stakeholder dialogue	Facilitating dialogue, neither giving recommendations nor binding decisions	Factual questions prevail	Important
Hybrid processes – Dispute resolution boards – Ombuds processes – Mediation-arbitration/adjudication	Varies	Combination	Varies

Source: World Bank Group (2011, p. 9)

Table 2: Types of Disputes and ADR Process.

Types of disputes	ADR process
Employment/labor	Mediation, conciliation
Land rights	Mediation, stakeholder dialogue
Planning, and other potential disputes involving a plurality of stakeholders	Stakeholder dialogue, adjudication
Construction, and other projects that cannot afford disruption due to disputes	Adjudication, dispute resolution boards, mediation, expert determination
Complaints by customers against large organizations (banks, insurers, government departments) that may involve an ongoing relationship between the parties	Ombuds services, mediation
Debt collection (for example, non-payment of utility bills)	Streamlined adjudication, mediation
Information technology or similar disputes involving highly technical issues	Expert determination

Source: World Bank Group (2011, p. 19).

Example of ADR In Nigeria

Nigeria has been a leader within Africa in adopting ADR. It was the first African country to adopt (in 1988) an arbitration law modelled after the UNCITRAL Model Law. The principal center for international commercial arbitration is the Regional Centre for International Commercial Arbitration - Lagos (Kidane, 2011, pp. 379-380). The Centre's rules enable parties to have complete flexibility on rules and procedures and contain unusually strong provisions for impartiality of arbitrators and for confidentiality (Kidane, 2011, pp. 380-381).

Nigeria is also the home of the first court-connected ADR centre in Africa, the Lagos Multi-Door Courthouse (MDC), established in 2002 (DFID, 2010, p. 8). There are now three

MDCs in Nigeria, each independently managed but attached to their respective state High Courts in Kano, Abuja, and Lagos (DFID, 2010, p. 2). The MDCs use multiple approaches to dispute resolution, including arbitration, mediation, and early neutral evaluation (DFID, 2010, pp. 2-5). All three accept cases referred by the courts as well as "walk-in" cases that come directly to them, and all three handle a mixture of commercial, land, contract, and other cases, with the Lagos MDC also handling cases involving multinational companies (DFID, 2010, p. 2). The Lagos MDC is a public-private partnership between the State High Court and a non-profit organizations, the Negotiation and Conflict Management Group (DFID, 2010, p. 8). It handles only a small proportion of potential cases: between 2008 and 2010, it handled 888 cases, compared with more than 40,000 civil cases handled by the High Courts and Magistrate Courts, and more than 77,000 by the Citizens' Mediation Centre (Onyema, 2013, The Multi-door Court House (MDC) Scheme in Nigeria: A Case Study of the Lagos MDC, 2013, p. 9).

Capacity constraints in the mainstream court system mean that civil cases can take 5 to 20 years, while arbitration through the Lagos MDC can take up to a year and mediation takes an average of three months (Onyema, 2013, pp. 5, 7). Between2002 and 2011, 94 per cent of cases were settled by mediation and 6 per cent by arbitration, but only 30 per cent of the mediations were resolved, with the rest unresolved or withdrawn (Onyema, The Multi-door Court House (MDC) Scheme in Nigeria: A Case Study of the Lagos MDC, 2013, p. 7). There is insufficient evidence to explain the low resolution rate of mediation, but Onyema suggests that some parties are compelled to choose mediation without having a true commitment to the process; there is a lack of familiarity with and trust in the process; mediation may be rushed; and there may be scope for adjusting processes to better relate to local conditions as well as conforming to international best practices (Onyema, The Multi-door Court House (MDC) Scheme in Nigeria: A Case Study of the Lagos MDC, 2013, pp. 19-23).

CONCLUSION

In conclusion, ADR includes approaches that enable parties to manage and resolve their own disputes without outside assistance. Modern justice systems are oriented towards fact-finding and deciding right and wrong, while traditional justice and modern ADR place more emphasizes on repairing and maintaining relations, and so are well-suited for parties that expect to continue to work together in the future.

From the discussions so far, it can be agreed that the concept of ADR in the resolution of disputes have come to stay. The growth of the ADR process has been enhanced as a reason of the fact that the time, money and energy input to litigation is often not worth the while on the long run.

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