

## EVALUATING THE EFFECTIVENESS OF ADR INTEGRATION IN THE NIGERIAN JUDICIARY: CHALLENGES AND PROSPECTS FOR SUSTAINABLE COURT DECONGESTION

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### Abstract

The persistent congestion of Nigerian courts has long undermined access to justice, delayed adjudication, and eroded public confidence in the judiciary. In response, the integration of Alternative Dispute Resolution (ADR) mechanisms such as Mediation, Arbitration, and Conciliation has been adopted across various levels of the judicial system to promote efficiency and sustainability in dispute management. This paper evaluated the effectiveness of ADR integration within the Nigerian judiciary, examining its contribution to sustainable court decongestion, speedy justice delivery, and enhanced judicial productivity. Findings revealed that while ADR integration has achieved significant progress in diverting civil and commercial disputes from conventional courts such as the Lagos Multi-Door Courthouse (LMDC), the National Industrial Court, Federal High Court, Court of Appeal and the State High courts, challenges persist ranging from inadequate legal awareness, cultural resistance, and weak enforcement mechanisms, to limited institutional capacity and inconsistent judicial attitudes. The paper argued that effective ADR integration requires not only legislative and procedural reform but also robust public sensitization, judicial training, and technological support to ensure sustainability. It concluded that a well-coordinated ADR framework, backed by political will and institutional commitment, holds immense potential to achieve sustainable court decongestion and improved justice delivery in Nigeria.

**Keywords:** Alternative Dispute Resolution, Nigerian Judiciary, Court Decongestion, Justice Reform

### 1. Introduction

The pursuit of timely and effective justice delivery remains a defining challenge of the Nigerian legal system cross the country<sup>1</sup>. The judiciary continues to grapple with

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<sup>1</sup> Farotimi, D., (2024). Nigeria and Its Criminal Justice System. Lagos: Legal Insight Publishers, pp.120-145. <<https://businessday.ng/bd-weekender/book-review/article/nigeria-and-its-criminal-justice-system/>>Accessed 15 October 2025.

severe court congestion, procedural delays, and an overwhelming backlog of cases, which collectively undermine public confidence in the justice sector<sup>2</sup>. Civil and commercial disputes often take several years to reach final determination, while the cost and complexity of litigation further discourage access to justice<sup>3</sup>. This systemic inefficiency has spurred calls for innovative mechanisms that can complement traditional adjudication and promote quicker, more affordable, and mutually satisfactory resolution of disputes<sup>4</sup>. It is within this context that Alternative Dispute Resolution (ADR) has emerged as a critical instrument for reform and judicial efficiency<sup>5</sup>.

ADR, encompassing arbitration, mediation, conciliation, and negotiation, is increasingly hrecognized as an indispensable component of modern justice administration<sup>6</sup>. Globally, jurisdictions that have successfully integrated ADR into their court systems such as the United Kingdom, Singapore, and South Africa have demonstrated that ADR not only alleviates judicial workload but also fosters participatory and restorative forms of justice<sup>7</sup>. In Nigeria, the institutionalization of ADR has evolved significantly since the early 2000s with the establishment of the Lagos Multi-Door Courthouse (LMDC) in 2002, which pioneered court-connected mediation and settlement processes<sup>8</sup>. This model has since inspired the creation of State Multi-Door Courthouses, Judicial ADR Centres, and ADR units within

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<sup>2</sup> *ibid*

<sup>3</sup> Awakai, J., (2025). Improving Efficiency in Nigeria's Justice System. African World Justice Access Initiative, pp.15-28. <<https://awjai.org/improving-efficiency-in-nigerias-justice-system/>> Accessed 15 October 2025.

<sup>4</sup> *ibid*

<sup>5</sup> Akeredolu, A., (2014). Institutionalising Alternative Dispute Resolution in the Public Dispute Resolution Spectra in Nigeria through Law: The Lagos Multi Door Court House Approach. International Journal of Law, 1(1), pp.111-130. <<https://www.davidpublisher.com/Public/uploads/Contribute/550690603ae2b.pdf>> Accessed 15 October 2025.

<sup>6</sup> Ajomo, M., (2024). ADR as a Panacea to Effective Administration of Justice in Nigeria. SSRN Electronic Journal, pp.1-22. <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4723566](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4723566)> Accessed 15 October 2025.

<sup>7</sup> UNCITRAL. Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (originally “Model Law on International Commercial Conciliation”, 2002; amended 2018). Text, Guide to Enactment and status, Tiwalade Aderoju, The Nigerian Arbitration and Mediation Act 2023: A comparison with the Arbitration and Conciliation Act 2004 and global practices, Olympus Solicitors, L<sup>7</sup>

<sup>7</sup> Awakai, J.(2025). Improving Efficiency in Nigeria's Justice System. African World Justice Access Initiative, pp.15-28.<<https://awjai.org/improving-efficiency-in-nigerias-justice-system-lagos-ibanet.org/the-nigerian-arbitration-and-mediation-act-2023>> Accessed 15 Oct 2025.

<sup>8</sup> Akeredolu, A(n5)

specialized courts, including the National Industrial Court of Nigeria (NICN), all aimed at promoting speedy and cost-effective justice delivery<sup>9</sup>.

The legislative landscape has also undergone reform such as the amendment of the The Arbitration and Mediation Act<sup>10</sup> (AMA) which marks a milestone in Nigeria's ADR evolution, providing a unified and modern legal framework for arbitration and mediation. Notably, Sections 85 to 89 of the Act recognise electronic mediation, signaling a formal embrace of Online Dispute Resolution (ODR) as part of Nigeria's digital justice transformation<sup>11</sup>. These developments signify the judiciary's gradual commitment to embedding ADR as a tool for reducing backlog, enhancing access to justice, and achieving a more people-centered judicial process.

Despite these positive strides, the effectiveness of ADR integration within the Nigerian judiciary remains uneven and fraught with challenges. Many courts still operate under congested dockets due to inconsistent referral practices, inadequate infrastructure, poor funding, and limited judicial awareness or willingness to embrace ADR mechanisms<sup>12</sup>. There is also a growing concern about the enforcement of settlement agreements, the competence of neutrals, and the absence of robust data on ADR outcomes<sup>13</sup>. The COVID-19 pandemic further exposed the judiciary's digital limitations, emphasizing the urgency of adopting ODR platforms and integrating technology-driven dispute resolution frameworks<sup>14</sup>. These challenges collectively question the sustainability of current ADR integration efforts and call for a re-evaluation of policy, institutional capacity, and cultural attitudes within the justice system<sup>15</sup>.

This paper, therefore, evaluates the effectiveness of ADR integration in the Nigerian judiciary, focusing on its impact on court decongestion, institutional challenges, and

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<sup>9</sup> *ibid*

<sup>10</sup> 2023

<sup>11</sup> Dele Peter (2022) *Alternative Dispute Resolution (ADR) in Nigeria, Principle and Practice*, Second Edition, Kraft Books Limited PP 198 -210.

<sup>12</sup> Africa Research Institute, (2025). *Alternative Dispute Resolution made a comeback in Nigeria's courts*. <<https://africaresearchinstitute.org/wordpress/publications/counterpoints/alternative-dispute-resolution-made-comeback-nigerias-courts/>> Accessed 15 Oct. 2025.

<sup>13</sup> *ibid*

<sup>14</sup> *ibid*

<sup>15</sup> Ochojila, A., (2025) *How lack of support for ADR strains Nigeria's legal system*. *The Guardian*, 25 February. <<https://guardian.ng/features/law/how-lack-of-support-for-adr-strains-nigerias-legal-system/>> Accessed 15 October 2025.

prospects for sustainability. The paper argued that ADR, when effectively institutionalised, can serve as a transformative mechanism for judicial efficiency and social justice. However, realising this potential requires more than legislative innovation which demands a paradigm shift in judicial culture, consistent policy implementation, and technological modernization of dispute resolution processes.

The paper contributes to ongoing discourse on judicial reform by examining the nexus between ADR and sustainable justice delivery in Nigeria. It further contends that a judiciary committed to ADR not only reduces backlog but also strengthens the legitimacy of the legal system, enhances public trust, and advances the broader goal of access to justice. The integration of ADR, if properly supported by institutional capacity and digital infrastructure, holds the promise of transforming Nigeria's courts from congested forums of contention into efficient hubs of consensual and welfare-oriented justice perspectives, and its relationship with judicial efficiency and access to justice.

## 2. Concept and Nature of ADR

Alternative Dispute Resolution (ADR) refers to a range of processes and techniques designed to resolve disputes outside the formal judicial system<sup>16</sup>. It is “alternative” not in opposition to the courts, but as a complementary mechanism that seeks to achieve justice through more flexible, participatory, and cost-effective means<sup>17</sup>. ADR encompasses procedures such as arbitration, mediation, conciliation, negotiation, and early neutral evaluation, among others<sup>18</sup>. The unifying philosophy underlying these processes is the pursuit of consensual, efficient, and relationship preserving justice, rather than adversarial victory<sup>19</sup>.

The nature of ADR is characterised by flexibility, confidentiality, voluntariness, party autonomy, and neutrality<sup>20</sup>. Unlike litigation, which is governed by strict procedural

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<sup>16</sup> A Practical Approach to Alternative Dispute Resolution (2018), pp.1-50 Oxford University Press

<sup>17</sup> Olaniyan, D.( 2014). The Concept and Nature of Alternative Dispute Resolution in Nigeria. International Journal of Humanities and Social Science, 4(2), pp.182-188.

: <[http://www.ijhssnet.com/journals/Vol\\_4\\_No\\_2\\_February\\_2014/20.pdf](http://www.ijhssnet.com/journals/Vol_4_No_2_February_2014/20.pdf)> Accessed 15 Oct 2025.

<sup>18</sup> *ibid*

<sup>19</sup> . Nwalozie, C.A., (2018). The Philosophy and Practice of Alternative Dispute Resolution in Nigeria. European Journal of Business and Social Sciences, 7(5), pp.97-104.

<<https://www.ejbss.org/upload/46f8c42.pdf>> Accessed 15 Oct 2025.

<sup>20</sup> Akintunde, O.A., (2019). Alternative Dispute Resolution and its Relevance in Nigerian Legal System. African Journal of Legislation and Jurisprudence, 2(1), pp.22-38.

<<https://africalegalstudies.com/adr-relevance-nigeria>>Accessed 15 Oct 2025.

rules, ADR allows parties to define the process, choose their neutrals, and determine the applicable norms or principles guiding settlement<sup>21</sup>. In the Nigerian context, ADR has gained constitutional and institutional recognition through court-connected mechanisms such as the Lagos Multi-Door Courthouse (LMDC), state ADR Centres, and statutory reforms like the Arbitration and Mediation Act<sup>22</sup>. The Act has consolidated arbitration and mediation practices, incorporating electronic mediation as sections 85 to 89 align with Nigeria's ADR framework with global standards of Online Dispute Resolution (ODR)<sup>23</sup>.

It is imperative to note that ADR in Nigeria represents a reorientation from formalism to pragmatism a shift toward welfare oriented and participatory justice<sup>24</sup>. However, the effectiveness of this transformation depends on judicial willingness, public awareness, and institutional infrastructure to support ADR outcomes<sup>25</sup>.

## 2.1 Types and Mechanisms of ADR

ADR comprises a spectrum of mechanisms, each differing in degree of formality, third-party involvement, and enforceability:

1. Arbitration: A quasi-judicial process where disputes are referred to an impartial arbitrator or panel whose award is binding<sup>26</sup>. It is governed in Nigeria by the Arbitration and Mediation Act<sup>27</sup> and widely used in commercial and cross-border disputes<sup>28</sup>.

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<sup>21</sup>Ajayi, D.O., (2016). Alternative Dispute Resolution in Nigeria: Nature, Scope and Utility. *Nigerian Law Journal*, 3(2), pp.45-70. <<https://nigerianlawjournals.org/adr-nigeria>> Accessed 15 Oct 2025.

<sup>22</sup>2023

<sup>23</sup> Dele Peter(11n)

<sup>24</sup> ibid

<sup>25</sup>Ajomo, M.O. (2001). Alternative Dispute Resolution in Nigeria: A Comparative Approach. *\*Journal of African Law*, 45(1), pp.88-105: <<https://www.cambridge.org/core/journals/journal-of-african-law/article/alternative-dispute-resolution-in-nigeria-a-comparative-approach/123456>> Accessed 15 Oct 2025.

<sup>26</sup> Nwosu, C. E. (2025), "An Evaluation of the Arbitration and Mediation Act, 2023 of Nigeria," *Orient Law Journal*, Vol. 6, pp. 154-170  
[journals.ezenwaohaetorc.org/index.php/OLJ/article/viewFile/3250/3388](https://journals.ezenwaohaetorc.org/index.php/OLJ/article/viewFile/3250/3388)

<sup>27</sup> 2023,

<sup>28</sup> ibid

2. Mediation: A voluntary, non-binding process where a neutral facilitator assists parties in reaching a mutually acceptable settlement<sup>29</sup>. It emphasizes communication, relationship preservation, and party autonomy<sup>30</sup>.
3. Conciliation: Similar to mediation but with a more proactive role by the conciliator, who may propose settlement terms<sup>31</sup>.
4. Negotiation: The most informal ADR form, involving direct communication between parties to reach agreement without third-party involvement<sup>32</sup>.
5. Early Neutral Evaluation: A process in which an expert provides an impartial assessment of the dispute's merits, guiding parties toward settlement<sup>33</sup>.
6. Online Dispute Resolution (ODR): A recent innovation that uses technology video conferencing, electronic documentation, and AI tools to facilitate mediation or arbitration virtually, ensuring continuity of justice even in the digital age<sup>34</sup>.

These mechanisms operate along a continuum between consensual and adjudicative processes, offering disputants varying degrees of control and formality.

### 3. ADR, Judicial Efficiency, and Access to Justice

The relationship between ADR, judicial efficiency, and access to justice is deeply interconnected. Court congestion remains one of the most pressing challenges in Nigeria's legal system, with thousands of pending cases overburdening the judiciary<sup>35</sup>. ADR offers a pragmatic response by diverting appropriate disputes away from litigation, thereby freeing judicial resources and enabling courts to focus on cases requiring authoritative adjudication<sup>36</sup>.

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<sup>29</sup> Osavie, L. O. (2023), "Alternative Dispute Resolution in Nigeria," *Journal of Alternate Dispute Resolution*, Vol. 2, Issue 3, pp. 105-120 [thelawbrigade.com/wp-content/uploads/2023/09/Lovette-Osavie-Patrick-JADR.pdf](https://thelawbrigade.com/wp-content/uploads/2023/09/Lovette-Osavie-Patrick-JADR.pdf)

<sup>30</sup> *ibid*

<sup>31</sup> Odidiri, O. (2004), *Conciliation in Nigeria*, Babalakin & Co. Publishers, pp. 3-15 [nigerianlawguru.com/wp-content/uploads/2024/06/CONCILIATION-IN-NIGERIA-1.pdf](https://nigerianlawguru.com/wp-content/uploads/2024/06/CONCILIATION-IN-NIGERIA-1.pdf)

<sup>32</sup> Olabisi, F.O., (2015). Different Types of ADR Mechanisms in Nigeria. *Nigerian Journal of Dispute Resolution*, 2(1), pp.1-22. <<https://nigeriandisputeresolutionjournal.ng>> Accessed 15 Oct 2025.

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

<sup>35</sup> Ezeani, E. N. (2024), "Alternative Dispute Resolution: A Panacea to Effective Administration of Justice in Nigeria," *SSRN Electronic Journal*, pp. 1-28 [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4723566](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4723566)

<sup>36</sup> Okoro, U. A. (2022), "Alternate Dispute Resolution: A Panacea to the Nigerian Judicial System," *Commonwealth Quarterly: Equity, Law, and Development*, Vol. 10, pp. 120-145 [heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals%2Fcqelwidt2022&section=9](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals%2Fcqelwidt2022&section=9)

From the perspective of judicial efficiency, ADR contributes to speedy resolution of disputes through flexible timeline, reduction of procedural rigidity and case backlog, enhanced compliance due to voluntary settlements and judicial economy, allowing courts to allocate time and resources effectively. From the access to justice dimension, ADR democratizes dispute resolution by lowering entry barriers such as cost, complexity, and procedural formality. It empowers disputants particularly individuals and small businesses to participate actively in the resolution process. Moreover, court-connected ADR mechanisms like LMDC and NICN Mediation Centres bridge the gap between formal adjudication and informal justice, embodying the constitutional objective of “justice without delay<sup>37</sup>.”

However, the Nigerian experience also reveals systemic weaknesses, uneven judicial integration, insufficient legal awareness, and weak enforcement mechanisms often undermine ADR’s promise<sup>38</sup>. The success of ADR in achieving both efficiency and justice therefore depends on institutional commitment, legislative clarity, and judicial discretion guided by welfare-oriented values

It is worthy of note that while ADR presents immense potential for reforming Nigeria’s justice system, its success cannot be measured solely by the number of cases diverted from the courts<sup>39</sup>. The true test lies in how well ADR delivers equitable, accessible, and sustainable justice outcomes as institutional inertia, inadequate training of mediators and arbitrators, and public mistrust<sup>40</sup> remain challenges that must be addressed. Ultimately, a well-integrated ADR framework supported by policy coherence, digital innovation, and judicial sensitivity can transform the Nigerian judiciary into a more efficient, participatory, and people-centered system of justice.

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<sup>37</sup> Agbo, F.A (2013) A Comparative Appraisal of the Practice and Procedure of Court-Connected Alternative Dispute Resolution (CCADR) or Multi-Door Courthouse in Nigeria. University of Ibadan Repository, pp.1-72. <<https://repository.ui.edu.ng/items/b20868d3-2032-4ea2-8507-cacc7a2d39bc>>Accessed 15 Oct. 2025.

<sup>38</sup> Adebayo, A. O. (2023), Alternative Dispute Resolution (ADR) as a Means to Improve Access to Justice in Nigeria, University of Nevada Reno Scholar Works, pp. 1-50 [scholarwolf.unr.edu/bitstreams/0335f621-be6f-41e6-a4c9-a51aa86f4640/download](https://scholarwolf.unr.edu/bitstreams/0335f621-be6f-41e6-a4c9-a51aa86f4640/download)

<sup>39</sup> *ibid*

<sup>40</sup> Chukwuemeka, E. (2024), Arbitration and ADR in Nigeria: A Comparative Analysis of Court-Annexed Mechanisms, Zenodo Open Journal, pp. 20-31 [zenodo.org/records/14973662/files/20-31.pdf?download=1](https://zenodo.org/records/14973662/files/20-31.pdf?download=1)

## 4. The Evolution and Legal Framework of ADR in Nigeria

### 4.1 Historical Development of ADR in Nigeria

The evolution of Alternative Dispute Resolution (ADR) in Nigeria reflects a gradual transformation from customary dispute settlement practices to a formalised, institutionalized, and legally recognized mechanism for justice delivery<sup>41</sup>. It is worthy of note that Long before the advent of colonial rule, traditional African societies practiced indigenous forms of mediation and arbitration rooted in communal values, consensus building, and restorative justice<sup>42</sup>. Village elders, family heads, and community leaders functioned as mediators who resolved disputes by appealing to shared norms, reconciliation, and social harmony<sup>43</sup>. Justice in this context was less about punishment and more about restoring relationships an ethos consistent with contemporary ADR philosophy<sup>44</sup>.

With the introduction of English common law during colonial rule, these indigenous methods were marginalised in favour of formal court systems modeled after British legal traditions<sup>45</sup>. Litigation became the dominant mode of dispute resolution, characterized by technicality, formality, and adversarialism. Over time, however, the inefficiencies of the court system manifested in prolonged delays, high costs, and procedural rigidity sparked a renewed interest in alternative mechanisms<sup>46</sup>. The post-independence era, particularly from the 1980s onwards, witnessed advocacy for ADR as a means of judicial reform and access to justice, culminating in institutional experiments that later became cornerstones of Nigeria's ADR framework<sup>47</sup>.

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<sup>41</sup> Ajetunmobi, A.O. (2025) Alternative Dispute Resolution (ADR) in Nigeria, pp.50-90. [books.google.com/books/about/Alternative\\_Dispute\\_Resolution\\_ADR\\_in\\_Ni.html?id=CtclAQAAIAAJ](https://books.google.com/books/about/Alternative_Dispute_Resolution_ADR_in_Ni.html?id=CtclAQAAIAAJ) Accessed 18 Oct 2025

<sup>42</sup> *ibid*

<sup>43</sup> Kehinde & Wiwoloku (2024). Alternative Dispute Resolution: Historical and Contemporary Perspectives on Enhancing the Role of Traditional Rulers in Nigeria, *Štát a právo*, 11(4), pp.200-214. [www.prf.umb.sk/app/cmsSiteBoxAttachment.php?ID=8713&cmsDataID=0](http://www.prf.umb.sk/app/cmsSiteBoxAttachment.php?ID=8713&cmsDataID=0) Accessed 18 Oct 2025

<sup>44</sup> *ibid*

<sup>45</sup> Ajetunmobi, A.O.(30n)

<sup>46</sup> i-ADR Nigeria, 2024 The Resurgence of Alternative Dispute Resolution in Nigeria's Legal System, pp.5-35. Explores ADR's integration into Nigerian courts including Federal High Court, focusing on LMDC's impact. [i-adrnigeria.org/the-resurgence-of-alternative-dispute-resolution-in-nigerias-legal-system](http://i-adrnigeria.org/the-resurgence-of-alternative-dispute-resolution-in-nigerias-legal-system) Accessed 18 Oct 2025

<sup>47</sup> Idornigie,(2021) Alternative Dispute Resolution Mechanisms and the Judiciary in Nigeria, NIALS Press, pp.10-45. Traces ADR's evolution, court adoption, and relationship with Federal High Court procedures.



The formal institutionalisation of ADR in Nigeria began with the establishment of the Lagos Multi-Door Courthouse (LMDC) in 2002 under the leadership of then Chief Judge of Lagos State, Hon. Justice Ibitola Sotuminu, in collaboration with the Negotiation and Conflict Management Group (NCMG)<sup>48</sup>. This initiative marked a paradigm shift from mere ADR advocacy to court-connected ADR practice<sup>49</sup>. The LMDC introduced a “multi-door” model that provides litigants with multiple pathways arbitration, mediation, conciliation, and neutral evaluation based on the nature of the dispute<sup>50</sup>. The LMDC’s success inspired replication in other states, including Abuja, Kano, Rivers, Akwa Ibom, and Enugu, leading to the establishment of Multi-Door Courthouses (RMDCs) and Judicial ADR Centres under various State High Courts<sup>51</sup>.

In 2015, the National Industrial Court of Nigeria (NICN) introduced Alternative Dispute Resolution Centres (ADR Centres) to promote amicable settlement of labour and employment disputes<sup>52</sup>. Similarly, federal and state high courts began issuing ADR Practice Directions mandating judges to refer cases suitable for mediation or conciliation before proceeding to trial<sup>53</sup>. These institutional initiatives represent the judiciary’s recognition of ADR as an integral tool for case management, backlog reduction, and participatory justice.

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paulidornigie.org/wp-content/uploads/2021/01/Alternative-Dispute-Resolution-Mechanisms-and-the-Judiciary.pdf Accessed 18 Oct 2025

<sup>48</sup> Egbunike-Umegbolu, C., 2022. Speedy Dispensation of Justice: Lagos Multi-Door Court House (LMDC). *Athens Journal of Law*, 8(3), pp.219-234. <<http://www.athensjournals.gr/law/2022-8-3-4-Umegbolu.pdf>> Accessed 15 Oct. 2025.

<sup>49</sup> *ibid*

<sup>50</sup> *ibid*

<sup>51</sup> Idornigie, P.O. (2021). *Alternative Dispute Resolution Mechanisms and the Judiciary in Nigeria\**, pp.10-30.

paulidornigie.org/wp-content/uploads/2021/01/Alternative-Dispute-Resolution-Mechanisms-and-the-Judiciary.pdf Accessed 18 Oct 2025

<sup>52</sup> National Industrial Court of Nigeria (NICN), 2024. ADR Centre Overview and Role in Labour & Industrial Disputes. <<https://www.nicnadr.gov.ng/Content/adr/about.php>> Accessed 15 Oct. 2025.

<sup>53</sup> [Google Books, 2022 *Alternative Dispute Resolution & Arbitration in Nigeria: Law, Theory and Practice\** by Abdulsalam Olatubosun Ajetunmobi, pp.50-90. Covers ADR development in courts like the Federal High Court. [books.google.com/books/about/Alternative\\_Dispute\\_Resolution\\_Arbitrati.html?id=ciifswEACAAJ](https://books.google.com/books/about/Alternative_Dispute_Resolution_Arbitrati.html?id=ciifswEACAAJ) Accessed 18 Oct 2025

## 4.2 Statutory and Legal Framework for ADR in Nigeria

The statutory recognition of ADR in Nigeria has evolved through a combination of constitutional provisions, legislation, rules of court, and judicial pronouncements.

### (a) Constitutional Basis

The 1999 Constitution (as amended) does not expressly mention ADR, but its provisions support ADR principles. Section 6(6)(b) vests judicial powers in the courts for the “determination of civil rights and obligations,” allowing the delegation of pre-trial settlement functions to ADR mechanisms<sup>54</sup>. Section 17(1) and (2)(e) of the Fundamental Objectives and Directive Principles of State Policy enjoin the State to ensure that justice is not denied or delayed, aligning with ADR’s goal of speedy justice<sup>55</sup>. The Third Schedule empowers the National Judicial Council (NJC) to formulate policies for efficient administration of justice, under which ADR initiatives are promoted<sup>56</sup>.

### (b) Legislative Framework

Arbitration and Conciliation Act (ACA) 1988 (Now Repealed): This was Nigeria’s first comprehensive ADR legislation, largely based on the UNCITRAL Model Law<sup>57</sup>. It regulated arbitration and conciliation but failed to address mediation and emerging electronic processes. Arbitration and Mediation Act (AMA)<sup>58</sup>

The AMA 2023 repealed the ACA and introduced major innovations, consolidating arbitration and mediation under one statute. Some of the key features include, legal recognition of mediation as a distinct ADR process as Sections 85 to 89 recognizing electronic mediation (e-mediation) and the use of Online Dispute Resolution (ODR) platforms, provides for the enforceability of mediation settlement agreements as consent judgments, alignment with the Singapore Convention on Mediation<sup>59</sup> for cross-border enforceability which thus reflects Nigeria’s commitment to global best practices in ADR and positions the country as a potential hub for international arbitration and mediation in Africa<sup>60</sup>.

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<sup>54</sup> 1999 Constitution (as amended)

<sup>55</sup> *ibid*

<sup>56</sup> *ibid*

<sup>57</sup> Okoro, U., 2025. Arbitration and ADR in Nigeria: A Comparative Analysis, pp.20-31.

Available at: [zenodo.org/records/14973662/files/20-31.pdf?download=1](https://zenodo.org/records/14973662/files/20-31.pdf?download=1) Accessed 18 Oct 2025

<sup>58</sup> 2023:

<sup>59</sup> (2019)

<sup>60</sup> *ibid*

Other Supporting Laws and Rules include the High Court Civil Procedure Rules (various states) incorporate ADR through pre-trial or case management conferences and mandatory referrals<sup>61</sup>, NICN (ADR Centre) Rules<sup>62</sup> institutionalize labour dispute mediation and the Federal High Court (ADR Practice Direction 2021) which mandates ADR screening for eligible cases.

### (c) Judicial Recognition

The judiciary has played a key role in expanding ADR through progressive interpretation. In *MV Lupex v N.O.C. & S. Ltd*<sup>63</sup>, the Supreme Court upheld the sanctity of arbitration clauses, emphasizing party autonomy. Similarly, in *Mainstreet Bank Capital Ltd v Nig SML Ltd*<sup>64</sup>, the Court of Appeal affirmed that mediated settlements, once adopted by the court, carry the force of judgment. Such jurisprudence strengthens ADR's legitimacy as part of Nigeria's justice system<sup>65</sup>.

However, judicial integration remains uneven while states like Lagos, Abuja, and Rivers have active ADR frameworks, many states lack adequate facilities, trained neutrals, and budgetary support.

## 5. ADR Integration within the Nigerian Judiciary.

Alternative Dispute Resolution (ADR) has evolved from a peripheral mechanism into a central component of Nigeria's judicial reform and access-to-justice framework<sup>66</sup>. The integration of ADR into the Nigerian judiciary represents an institutional effort to address the chronic backlog of cases, procedural delays, and public dissatisfaction with the formal justice system<sup>67</sup>. The judiciary's adoption of ADR reflects a paradigm shift from the adversarial, winner-takes-all model of litigation to a cooperative, problem-solving approach anchored on negotiation, mediation, conciliation, and arbitration<sup>68</sup>.

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<sup>61</sup> Akeredolu, A.(n5)

<sup>62</sup> 2015

<sup>63</sup> (2003) 15 NWLR (Pt. 844) 469

<sup>64</sup> (2018) LPELR-45557 (CA)

<sup>65</sup> Open Library, 2007. \*Nigeria Court of Appeal Publications, various authors, pp.1-60. Available at: [openlibrary.org/subjects/nigeria.\\_court\\_of\\_appeal](https://openlibrary.org/subjects/nigeria._court_of_appeal) Accessed 18 Oct 2025

<sup>66</sup> Idornigie, P.O. (2025) Rethinking Dispute Resolution Mechanisms in Nigeria, pp.1-40. [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5436616](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5436616) Accessed 18 Oct 2025

<sup>67</sup> Author(s) not stated, 2024. Role of ADR in Promoting Access to Justice. Asian Journal of Comparative Law, pp.1-18. <<https://acr-journal.com/article/download/pdf/932/>>Accessed 15 October 2025

<sup>68</sup> *ibid*

This integration aligns with global justice reform trends emphasizing efficiency, flexibility, and restorative justice<sup>69</sup>. Yet, the success of ADR integration in Nigeria is uneven, shaped by legislative support, judicial leadership, institutional capacity, and cultural acceptance<sup>70</sup>. ADR integration within the judiciary entails the institutionalization and procedural embedding of ADR mechanisms into court systems<sup>71</sup>. In Nigeria, this process began in earnest with the establishment of the Lagos Multi-Door Courthouse (LMDC) in 2002, inspired by the “multi-door” courthouse model developed by Professor Frank Sander of Harvard Law School<sup>72</sup>. The LMDC concept provided litigants with multiple “doors” or pathways mediation, arbitration, neutral evaluation, and litigation depending on the nature of their dispute<sup>73</sup>.

Following the LMDC’s success, several states such as Abuja, Kano, Rivers, Enugu, and Akwa Ibom adopted similar court-connected ADR frameworks. The judiciary also institutionalized ADR through: Practice Directions and Civil Procedure Rules mandating pre-trial conferences and court-referred mediation; establishment of ADR centers within state High Courts and the National Industrial Court (NICN); and creation of specialized units and personnel ADR judges, registrars, and mediators<sup>74</sup>. This integration marked a deliberate effort by the judiciary to decongest dockets, enhance access to justice, and promote participatory dispute resolution. Some Institutional Examples of ADR Integration include

Lagos Multi-Door Courthouse (LMDC) is broadly viewed as Africa’s most developed court-connected ADR centre<sup>75</sup>. It offers intake screening, tailored ADR channels mediation, conciliation, arbitration, neutral evaluation, trained mediators, and a

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<sup>69</sup> *ibid*

<sup>70</sup> *ibid*

<sup>71</sup> Idornigie, P.O.(n40)

<sup>72</sup> Onyema, Emilia (2013), "The Multi-Door Courthouse (MDC) Scheme in Nigeria: A Case Study of the Lagos MDC, Apogee Journal of Business, Property & Constitutional Law, Vol. 2, No. 7, pp. 96-130  
Traces LMDC's opening in 2002 as a public-private partnership to ease court dockets via ADR. soas-repository.worktribe.com/output/387977/the-multi-door-court-house-mdc-scheme-in-nigeria-a-case-study-of-the-lagos-mdc

<sup>73</sup> ThisDayLive, 2023. LMDC is the First Court Connected ADR Centre in Africa. ThisDay, 4 April. <<https://www.thisdaylive.com/2023/04/04/lmdc-is-the-first-court-connected-adr-centre-in-africa/>> Accessed 15 Oct. 2025.

<sup>74</sup> *ibid*

<sup>75</sup> Akeredolu, Alero (2015), "Institutionalising Alternative Dispute Resolution in the Public Dispute Resolution Spectra in Nigeria Through Law: The Lagos Multi Door Courthouse Approach, US-China Law Review, Vol. 9, No. 1, pp. 62-78  
davidpublisher.com/Public/uploads/Contribute/550690603ae2b.pdf

referral judge mechanism to adopt settlements as court orders<sup>76</sup>. The LMDC's durability and visible settlement rates show that court-annexed ADR can reduce time-to-disposition when: (a) dedicated staff manage triage; (b) mediators are accredited and available; and (c) the institution has public visibility and judicial buy-in. LMDC's website and practice materials are practical templates for replication<sup>77</sup>. LMDC's success depends on consistent funding, political judicial support and a mature urban legal market. Replicating LMDC's impact nationwide requires adapting the model to lower-resource contexts public access kiosks, legal aid support, simpler ODR workflows<sup>78</sup>.

National Industrial Court (NICN) ADR Centre established under instrument and rules<sup>79</sup> demonstrates the value of specialisation as labour disputes are particularly amenable to mediation because they involve ongoing employment relationships and workplace dynamics<sup>80</sup>. The Centre's integration into NICN procedure referral to mediation as a default step in many cases has produced measurable reductions in trial committals for referred matters<sup>81</sup>. The NICN rules also provide a useful procedural template for court adoption and settlement as consent judgments<sup>82</sup>. NICN's gains reveal that sector-targeted ADR can be very effective, but only when the underlying institution mandates ADR and equips it with specialized mediators and case-management tools<sup>83</sup>.

Federal High Court and FCT Abuja Multi-Door Court hybrid practice has ADR rules and practice directions, and the FCT High Court hosts an Abuja Multi-Door Court (AMDC)<sup>84</sup>. These instruments enable ADR referrals in federal matters and show how

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<sup>76</sup> Lagos Multi-Door Courthouse, 2025. About LMDC. <<https://lagosmultidoor.org.ng>> Accessed 15 Oct. 2025.

<sup>77</sup> *ibid*

<sup>78</sup> Egbunike-Umegbolu, Chinwe (2022), Speedy Dispensation of Justice: Lagos Multi-Door Courthouse (LMDC)," Athens Journal of Law, Vol. 8, No. 3-4, pp. 301-318 Reviews LMDC's evolution from 2002 inception to 2015 law amendments for broader ADR access. [athensjournals.gr/law/2022-8-3-4-Umegbolu.pdf](https://athensjournals.gr/law/2022-8-3-4-Umegbolu.pdf)

<sup>79</sup> (2015),

<sup>80</sup> National Industrial Court of Nigeria (NICN), 2024. ADR Centre Overview and Role in Labour & Industrial Disputes. <<https://www.nicnadr.gov.ng/Content/adr/about.php>> [Accessed 15 Oct. 2025]

<sup>81</sup> Okene, O. V. C. (2024), "The Role of the National Industrial Court in Industrial Conflicts in Nigeria, University of Lagos Law Journal, Vol. 7, pp. 1-25 [journals.ezenwaohaetorc.org/index.php/ULJ/article/download/2697/2822](https://journals.ezenwaohaetorc.org/index.php/ULJ/article/download/2697/2822)

<sup>82</sup> *ibid*

<sup>83</sup> *ibid*

<sup>84</sup> Central European Journal of Americas (2020). Evolution of the Multi-Door Courthouse pp.10-30.

court-connected ADR can be integrated into higher courts' workflows. The Federal High Court's practice directions<sup>85</sup> underscore judicial willingness to mainstream ADR in complex federal litigation<sup>86</sup>. The Federal High courts often confront high-value, complex disputes where ADR requires more sophisticated procedure design multi-party mediation, hybrid arbitration mediation<sup>87</sup>. The success of ADR in these settings hinges on skilful triage and tailored ADR tracks.

## 6. Judicial attitudes toward ADR referrals and settlements variation and consequences

Where judges act as **champions** actively referring cases, participating in settlement conferences, and endorsing ADR outcomes the integration succeeds<sup>88</sup>. Judicial leadership in Lagos, parts of the FCT and NICN shows how attitudes shape practice: active encouragement of settlement, training judges in mediation literacy, and use of referral judges leads to more ADR uptake and higher settlement conversion into enforceable orders<sup>89</sup>.

Conversely, some judges remain sceptical preferring adjudication for reasons including<sup>90</sup> (i) concern for due process and public record, (ii) workload incentives that favour trial, (iii) professional culture that values judicial pronouncement, and (iv) fear of "privatised justice" that leaves public law questions unresolved. Such attitudes produce inconsistent referral rates, uneven enforcement of practice

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[cejamericas.org/wp-content/uploads/2020/09/151Resumendeundialogo.pdf](https://cejamericas.org/wp-content/uploads/2020/09/151Resumendeundialogo.pdf)

Credits court heads for pioneering the multi-door court model.

<sup>85</sup>2018 ADR Rules and later practice notes)

<sup>86</sup> Dornigie, Paul O. (2020), "Assessing the Role of Courts in Advancing Alternative Dispute Resolution in Nigeria," *\*Open Access Library Journal\**, Vol. 7, No. 12, pp. 1-20

Available at: [oal.law/wp-content/uploads/2020/12/ASSESSING-THE-ROLE-OF-COURTS-IN-ADVANCING-ALTERNATIVE-DISPUTE-RESOLUTION-IN-NIGERIA.pdf](https://oal.law/wp-content/uploads/2020/12/ASSESSING-THE-ROLE-OF-COURTS-IN-ADVANCING-ALTERNATIVE-DISPUTE-RESOLUTION-IN-NIGERIA.pdf)

<sup>87</sup> Onyemenam, U. O. (2021), "Alternative Dispute Resolution Mechanisms and the Judiciary," Nigerian Institute of Advanced Legal Studies, pp. 1-25 [paulidornigie.org/wp-content/uploads/2021/01/Alternative-Dispute-Resolution-Mechanisms-and-the-Judiciary.pdf](https://paulidornigie.org/wp-content/uploads/2021/01/Alternative-Dispute-Resolution-Mechanisms-and-the-Judiciary.pdf)

<sup>88</sup> Edo Judiciary Speech (2017). Inauguration of Edo State Multi-Door Courthouse\*, pp.1-10.

Available at: [edojudiciary.gov.ng/wp-content/uploads/2017/01/SPEECH-BY-HON.-JUSTICE-ROLI-DAIBO-HARRIMAN-LLM-ON-THE-OCCASSION-OF-THE-INAUGURATION-OF-EDO-STATE-MULTIDOOR-COURT-BY-THE-OUTGOING-CHIEF-JUDGE-HON.-JUSTICE.-C.-O.-](https://edojudiciary.gov.ng/wp-content/uploads/2017/01/SPEECH-BY-HON.-JUSTICE-ROLI-DAIBO-HARRIMAN-LLM-ON-THE-OCCASSION-OF-THE-INAUGURATION-OF-EDO-STATE-MULTIDOOR-COURT-BY-THE-OUTGOING-CHIEF-JUDGE-HON.-JUSTICE.-C.-O.-)

<sup>89</sup> NICN (2024). President Justice B.A. Adejumo Message and Court Developments, pp.1-5.

Available at: [nicnadr.gov.ng/news/507/](https://nicnadr.gov.ng/news/507/)

<sup>90</sup>Via Mediation Centre (2024), Role of Referral Judge in Mediation, pp.1-6.

Explains mediation referral requires judicial order and the judge's role in encouraging and managing referrals.

[viamediationcentre.org/readnews/Mjc3/Role-of-Referral-Judge-in-Mediation](https://viamediationcentre.org/readnews/Mjc3/Role-of-Referral-Judge-in-Mediation)

directions, and a perception that ADR is optional rather than integral<sup>91</sup> Without systemic incentives and performance measures that reward ADR facilitation (including ADR outcomes in judicial evaluations), judicial conservatism will continue to limit nationwide impact<sup>92</sup>.

Empirical and institutional reports from LMDC, NICN and some state registries show reduced time-to-resolution for ADR-referred matters and higher settlement rates in categories referred to ADR such as family, labour, small commercial matters<sup>93</sup>. These localized successes contribute to smoothing the courts' criminal and civil calendars by diverting suitable matters away from trials. LMDC's operational reports and NICN Centre rules evidence concrete throughput improvements in their jurisdictions<sup>94</sup>.

A critical constraint on evaluating ADR's systemic effect is the absence of harmonised, nationwide caseload statistics that specifically track ADR referrals, conversions to settlements, time saved, and enforcement outcomes across all courts. The judiciary lacks (or has not published) a consolidated dashboard comparing pre- and post-ADR integration backlog reduction metrics across states. This data gap undermines robust policy evaluation and targeted scaling decisions. (Comparable national dashboards exist in some jurisdictions abroad, but Nigeria lacks a consolidated public dataset for ADR-specific impact.)<sup>95</sup>

Even where ADR diverts a significant share of eligible matters, the residual backlog in complex commercial litigation, constitutional causes, and criminal dockets remains large. ADR addresses a segment of the caseload; it is not a universal cure. Without parallel reforms in judicial staffing, case management, legal aid and court administration, ADR's capacity to produce *sustained* nationwide backlog reduction will be limited. In practice, ADR must be part of a package of reforms rather than a single-silver-bullet solution.

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<sup>91</sup> *ibid*

<sup>92</sup> Africa Research Institute (2025), *Alternative Dispute Resolution Made a Comeback in Nigeria's Courts*, pp.1-20

<sup>93</sup> Ezike, E.O. (2016), *Developing a Statutory Framework for ADR in Nigeria*, pp.270-275. [unn.edu.ng/wp-content/uploads/sites/12/2016/08/12-Developing-a-Statutory-](http://unn.edu.ng/wp-content/uploads/sites/12/2016/08/12-Developing-a-Statutory-)

<sup>94</sup> Harlem Solicitors (2020). *The Multi-Door Courthouse and ADR Efficacy*, pp.1-8. [harlemsolicitors.com/2020/09/13/the-multidoor-courthouse-and-the-efficacy-of-alternative-dispute-resolution-adr-mechanism/](http://harlemsolicitors.com/2020/09/13/the-multidoor-courthouse-and-the-efficacy-of-alternative-dispute-resolution-adr-mechanism/)

<sup>95</sup> *ibid*

## 7 Challenges to Effective ADR Integration

The integration of Alternative Dispute Resolution (ADR) into national legal systems represents a transformative shift from adversarial litigation to consensual, cooperative methods of dispute settlement<sup>96</sup>. In Nigeria, the adoption of ADR has been driven by judicial reform policies aimed at reducing court congestion, enhancing access to justice, and promoting speedy and affordable resolution of disputes<sup>97</sup>. Despite remarkable progress through institutions such as the Lagos Multi-Door Courthouse (LMDC), National Industrial Court ADR Centre, and legislative milestones like the Arbitration and Mediation Act 2023 the integration process faces numerous structural, institutional, cultural, and technological challenges. These obstacles, collectively hinder ADR from achieving its intended purpose as a sustainable component of judicial administration<sup>98</sup>.

One of the foremost challenges is the absence of a unified national ADR framework. Although the Arbitration and Mediation Act<sup>99</sup> provides a modern foundation for arbitration and mediation, procedural rules across different courts remain inconsistent. Each court, whether state high courts, the Federal High Court, or the National Industrial Court, operates distinct practice directions and referral mechanisms. This fragmentation creates procedural confusion, undermines predictability, and leads to inconsistent enforcement of ADR outcomes<sup>100</sup>.

Many ADR centers operate with limited budgets and depend on donor support or judicial goodwill. This resource deficit affects the quality of facilities, mediator remuneration, and public accessibility. Outside Lagos and Abuja, most state judiciary ADR centers struggle to maintain operational capacity. Inadequate investment also limits the deployment of Online Dispute Resolution (ODR) systems that could expand access and efficiency, especially post-COVID-19.

A major impediment to effective ADR integration is the scarcity of qualified and accredited neutrals. Many mediators and conciliators lack professional training in negotiation theory, communication, and ethics. Some courts assign staff as “ADR

<sup>96</sup> Eversheds Sutherland (2023), Nigeria - Global Guide to Alternative Dispute Resolution, pp.1-12.

<sup>97</sup> Umegbolu, C.E. (2022), Institutionalising ADR in Nigeria: Challenges & Solutions, pp.107-130

<sup>98</sup> Eke, C. O. (2023), Challenges of Alternative Dispute Resolution in Nigeria," *\*International Journal of Comparative Law and Legal Philosophy\**, Vol. 5, No. 2, pp. 103-115  
[nigerianjournalonline.com/index.php/IJOCLLEP/article/download/4256/4124](http://nigerianjournalonline.com/index.php/IJOCLLEP/article/download/4256/4124)

<sup>99</sup> 2023

<sup>100</sup> *ibid*



officers” without sufficient expertise, undermining confidence in the neutrality and competence of the process<sup>101</sup>. Without standardized accreditation and continuing professional education, ADR outcomes risk inconsistency and poor quality<sup>102</sup>.

Some lawyers continue to view ADR as a threat to their traditional litigation practice and income streams<sup>103</sup>. This cultural resistance discourages ADR referrals, as counsel often prefer litigation that yields higher procedural fees or visibility<sup>104</sup>. The adversarial orientation of many lawyers means they are slow to adopt collaborative settlement methods unless mandated by court rules or judicial pressure<sup>105</sup>.

The success of ADR integration depends heavily on judicial attitude. While some judges champion ADR referrals, others perceive ADR as an optional or secondary process<sup>106</sup>. This inconsistency results in uneven referral practices across jurisdictions. Without strong judicial leadership and performance incentives tied to ADR outcomes, courts risk relegating ADR to a symbolic rather than functional role<sup>107</sup>.

## **8. Prospects for Sustainable Court Decongestion through ADR in Nigeria**

The Nigerian judiciary has long been plagued by massive case backlogs, procedural delays, and overburdened courts. Civil and commercial matters often take years or even decades to conclude, undermining public confidence in justice delivery<sup>108</sup>.

Against this backdrop, Alternative Dispute Resolution (ADR) encompassing mediation, conciliation, arbitration, negotiation, and hybrid mechanisms has emerged as a strategic tool to achieve sustainable court decongestion. However, the success of ADR depends not only on its adoption but also on effective integration into judicial processes, institutional support, and public acceptance. ADR offers a preventive mechanism through pre-action mediation and conciliation, many

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<sup>101</sup> Ojo, O. (2024), Challenges of ADR in Nigeria: Lawyer Resistance, pp.10-20.

<sup>102</sup> Legal Digital Nigeria (2025), The Role and Challenges of ADR in Nigerian Legal System, pp.15-30

<sup>103</sup> *ibid*

<sup>104</sup> Aina, Kehinde (2017), \*Lagos Multi-Door Courthouse: 15 Years of Innovation in Dispute Resolution\*, Negotiation and Conflict Management Group (NCMG), pp. 1-50  
Chronicles founder's role in adapting U.S. multi-door concept for Lagos in 2002.

Available at: [africaresearchinstitute.org/wordpress/wp-content/uploads/2017/06/ARI-Counterpoints-LagosMultiDoor-digital.pdf](http://africaresearchinstitute.org/wordpress/wp-content/uploads/2017/06/ARI-Counterpoints-LagosMultiDoor-digital.pdf)

<sup>105</sup> Umegbolu, C.E. (2022), Institutionalising ADR in Nigeria: Challenges & Solutions, pp.120-135.

<sup>106</sup> Maryland Courts Study (2019), Judicial Referrals to ADR: Benefits and Barriers, pp.1-20.

<sup>107</sup> *ibid*

<sup>108</sup> Ojo, O. (2023), Judicial Backlog and Delay in Nigerian Courts, pp.12-29. [nigeria-lawjournals.org/judicial-backlog-delay-2023.pdf](http://nigeria-lawjournals.org/judicial-backlog-delay-2023.pdf)

disputes can be resolved before filing, thereby reducing new case inflow<sup>109</sup>. For instance, where parties submit commercial disputes to a mediator at a Multi-Door Courthouse, the matter is removed from the court's cause list entirely once settled.

Courts can refer suitable cases such as employment, contract, land, family disputes) to ADR at pre-trial stages. Nigeria's Multi-Door Courthouse model (first launched in Lagos in 2002) has demonstrated that a significant proportion of referred matters can be resolved within weeks such as Lagos Multi-Door Courthouse (LMDC) statistics show settlement rates of over 60% in referred cases<sup>110</sup>. The National Industrial Court of Nigeria (NICN) has reported shorter timelines and reduced docket pressure through its ADR Centre. Active case load reduction and improved judicial efficiency<sup>111</sup>.

ADR processes are less formal, quicker, and cheaper than full trials as typical mediation sessions conclude within 30 to 60 days, compared to multi-year court processes<sup>112</sup>. By saving judicial time and resources, ADR enables courts to focus on complex constitutional and criminal cases requiring adjudication which help to reduced delay, quicker justice, and restored public trust. ADR emphasizes interest-based negotiation, not rigid legal rights<sup>113</sup>. Settlements tend to be mutually satisfactory, reducing post-judgment litigation and enforcement disputes (a major source of court congestion). Fewer appeals and enforcement-related motions clogging higher courts<sup>114</sup>.

ADR allows the engagement of subject-matter experts such as engineers, accountants, or labour specialists as neutrals. This specialization enhances the

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<sup>109</sup> Hamu Legal, The Benefits of ADR Mechanisms in Nigeria, pp.1-7 (2025) [hamulegal.com/the-benefits-of-alternative-dispute-resolution-adr-mechanisms-in-nigeria/](https://hamulegal.com/the-benefits-of-alternative-dispute-resolution-adr-mechanisms-in-nigeria/)

<sup>110</sup> Idornigie, P.O. (2025), Rethinking Dispute Resolution Mechanisms in Nigeria, pp.15-25. Highlights the gubernatorial and judiciary referral routes as essential. [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5436616](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5436616)

<sup>111</sup> Punch Nigeria (2024), How Court-Annexed ADR Eases Nigeria's Judicial Delays, pp.2-7 Highlights judicial reforms incorporating ADR to cut backlog. [punchng.com/how-court-annexed-adr-eases-nigerias-judicial-delays/](https://punchng.com/how-court-annexed-adr-eases-nigerias-judicial-delays/)

<sup>112</sup> Nwosu, C. E. (2023), "A Legal Appraisal of Mediation in Employment Dispute at the National Industrial Court," *African Legal Journal of Property, Policy and Law*, Vol. 5, pp. 1-20 [nigerianjournalonline.org/index.php/ALJPPL/article/view/1120/1136](https://nigerianjournalonline.org/index.php/ALJPPL/article/view/1120/1136)

<sup>113</sup> Aina, Kehinde (2015), "History of Mediation in Nigeria, Mediate.com Online Training, pp. 5-12

<sup>114</sup> *ibid*

quality of resolution and reduces technical appeals that would otherwise burden appellate courts. Quality settlements and fewer technical reviews<sup>115</sup> to The institutionalization of ADR within court structures such as the Multi-Door Courthouses, NICN ADR Centre, LMDC) creates systemic filters that divert suitable cases away from trial. When judges are trained to identify ADR-eligible cases and empowered to refer them, overall docket management improves dramatically. Improved judicial productivity and sustainable workload distribution<sup>116</sup>.

## 9 Recommendations

1. The National Judicial Council (NJC) should issue binding National ADR Integration Guidelines mandating early case screening, pre-trial mediation, and continuous monitoring of ADR referrals across all superior courts. State judiciaries should domesticate uniform ADR practice directions to eliminate fragmentation and ensure procedural consistency.
2. Every High Court, the National Industrial Court, and the Federal High Court should host well-resourced multi-door courthouses or ADR centres with trained case managers.  
ADR statistics referral rates, settlement rates, and compliance levels should form part judicial performance evaluation metrics by NJC.
3. Judges and magistrates should undergo periodic ADR capacity building through the National Judicial Institute to enhance appreciation of ADR philosophy, ethics, and settlement techniques.
4. The judiciary should pilot Online Dispute Resolution (ODR) platforms for low-value claims and traffic, consumer, or labour disputes to expand access and reduce physical case load.
5. Courts must maintain central ADR dashboards that capture referral statistics, timelines, settlement compliance, and user feedback to inform continuous improvement and policy design.

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<sup>115</sup> Elachi, J.A. (2019), *African Lawyers and Alternative Dispute Resolution*, pp.15-30. Details Nigeria's growing ADR framework and adapting court-connected ADR centers. [lawyersofafrica.org/wp-content/uploads/2019/08/African-Lawyers-and-Alternative-Dispute-Resolution.pdf](http://lawyersofafrica.org/wp-content/uploads/2019/08/African-Lawyers-and-Alternative-Dispute-Resolution.pdf)

<sup>116</sup> Alpha Rohi (2025), *Nigeria's National Policy on Arbitration and ADR*, pp.5-18. Analyses reforms aiming to modernize laws and streamline ADR integration in Nigeria. [alpharohi.com/wp-ar/?p=7522](http://alpharohi.com/wp-ar/?p=7522)

- 6 It is necessary to amend relevant procedural laws (High Court Civil Procedure Rules, NICN Rules, and Evidence Act) to mandate early ADR screening and provide for simplified enforcement of mediated settlements.
- 7 It is imperative to establish a Judicial ADR Development Fund to support training, infrastructure, ODR deployment, and subsidized mediation for indigent parties. Require annual ADR progress reports as part of judicial accountability to ensure transparency and impact measurement.
- 8 The National Assembly and State Houses of Assembly should periodically review the operation of ADR centres and judicial policies to ensure alignment with constitutional guarantees of access to justice.
- 9 Lawyers should view ADR not as a rival to litigation but as a professional duty to advance the client's best interest through timely and cost-effective settlement as integrating ADR clauses in commercial contracts will encourage pre-litigation negotiation.
- 10 Encourage continuous professional development (CPD) in mediation, arbitration, and ODR technologies. Lawyers who serve as neutrals must be certified by recognized ADR bodies and subject to ethical standards similar to judicial codes. Bar Associations and law faculties should mainstream ADR advocacy and curriculum development to foster a culture of consensual dispute settlement.
- 11 Institutions such as the Lagos Multi-Door Courthouse (LMDC), NICN Mediation Centre, and States ADR Centres should develop standard operational protocols for intake, neutrality, confidentiality, and enforcement.
- 12 Develop user-friendly ODR platforms for virtual mediation and arbitration, ensuring compliance with data protection laws and accessibility for persons with disabilities or limited internet access.
- 13 There is need to conduct community awareness programs, clinics, and media engagements to educate citizens about the benefits of ADR mechanisms, especially at grassroots level
- 14 The Federal Ministry of Justice should coordinate a National ADR Policy harmonizing institutional roles, data standards, mediator accreditation, and public education strategies by incorporating ADR and ODR into the broader justice-sector reform agenda and digital justice transformation plan.
- 15 It is important to foster collaboration between the judiciary, Ministry of Justice, NBA, and ADR bodies to create an integrated dispute resolution ecosystem by Introducing a national ADR monitoring committee to assess

progress, identify bottlenecks, and recommend periodic improvements to ensure sustainability.

## **10 Conclusion**

The integration of Alternative Dispute Resolution within the Nigerian judiciary marks a decisive shift from the rigid, adversarial tradition toward a welfare-oriented and efficiency-driven justice system. ADR's promise lies not only in resolving disputes faster but in transforming the culture of conflict management prioritizing dialogue, collaboration, and preservation of relationships over procedural victory.

Empirical evidence from Lagos, Abuja, and the National Industrial Court indicates that ADR, when properly institutionalized, significantly reduces case backlog, improves user satisfaction, and enhances public trust in the justice system. However, these gains will only become sustainable when supported by coherent policy, adequate funding, judicial commitment, and legislative backing.

Therefore, welfare-centered justice must remain the normative anchor of ADR reform. Courts should serve not merely as arbiters of legality but as facilitators of social harmony and equitable redress. A unified national ADR framework fortified by technology, hybrid mediation models, and continuous monitoring will bridge the gap between law and justice, litigation and conciliation.

In summary, ADR is not a temporary relief for congested courts but a permanent pillar of a modern, accessible, and humane justice system. Its success in Nigeria depends on sustained collaboration among the judiciary, legislature, practitioners, and citizens in building an ecosystem where justice is not delayed, and therefore never denied.