

THE ARBITRATION AND MEDIATION ACT, 2023: NEW WINGS FOR MEDIATION IN NIGERIA?

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Abstract: *In Nigeria, arbitration as well as mediation were regulated by the Arbitration and Conciliation Act, 1988 (ACA, 1988) however, over the years, owing to developments in the field of arbitration, the ACA, 1988 could no longer match-up hence, they were legitimate calls for a review. In 2023, the Arbitration and Mediation Act, (AMA, 2023) was enacted. Thus, the AMA, 2023 is the first legislative effort at making express and specific regulatory provision on mediation. This article undertakes a clinical examination of the salient provisions of the AMA, 2023 with regards to mediation hinged on transformative mediation theory while explicating the historical development of mediation in Nigeria. It found that the AMA, 2023 contains novel and far-reaching mediation provisions which supports the growth of mediation. It recommends enlightenment and creative use of the AMA, 2023 for maximal benefits by stakeholders.*

Keywords: *Arbitration and Mediation Act, 2023, Mediation, Transformative mediation theory, Justice, Nigeria.*

1. Introduction

In recent years, the call for more efficient, accessible, and culturally resonant methods of dispute resolution in Nigeria has grown louder. Traditional litigation, while foundational, often falls short in addressing the real needs of disputing parties -especially in a society as diverse and dynamic as Nigeria's. The Arbitration and Mediation Act, enacted in 2023, is a game-changing legal development that signals a new era for Alternative Dispute Resolution (ADR) in the country. This Act is not just a routine legal update; it represents a paradigm shift in how conflicts (both commercial and civil) are approached and resolved. By consolidating existing frameworks and introducing more structured mediation practices, the 2023 Act gives new wings to mediation, empowering it as a legitimate, enforceable, and respected mechanism of resolution. More importantly, it aligns Nigeria's legal system with global standards while maintaining room for local adaptations. It was once said, "Litigation is the basic legal right that guarantees every corporation its decade in court. While witty, these words reflect the need for swifter, more amicable alternatives like mediation especially in regions where the justice system is overburdened and under-resourced. The reality is that litigation often incurs significant costs for both the company and the individuals involved.

This paper explores the possible potential of the Arbitration and Mediation Act, 2023, particularly focusing on the mediation aspect. It evaluates the legal innovations introduced, in line with the Transformative Mediation Theory, and how it reshapes Nigeria's dispute resolution landscape. With the rising demand for less adversarial and more restorative approaches to justice, this legislation could be the turning point mediation in Nigeria has long needed.

2. Historical Development of Mediation in Nigeria

The roots of mediation in Nigeria can be traced to traditional methods of dispute resolution that have been in practice for centuries. Long before the establishment of formal courts, communities across Nigeria used various informal mechanisms to settle disputes, often

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involving elders or respected members of the community as mediators. These systems were not bound by rigid legal codes, but rather by communal values, cultural practices, and the need for consensus-based resolutions.

In the 1990s, the Nigerian government, recognizing the need for alternative forms of dispute resolution, began to explore ADR as a formal part of the legal system. This exploration gained more traction with the passage of the Arbitration and Conciliation Act, 1988, which laid the groundwork for recognizing mediation as a legitimate and formal process (Umenweke and Nwachukwu, 2024). However, it was not until the early 2000s that the Nigerian judiciary and legal practitioners began to embrace mediation more seriously, with a stronger focus on structured, legally recognized processes. This led to the eventual formalization of mediation practices in Nigeria, particularly with the establishment of the National Industrial Court (NIC), which provided a platform for mediation in industrial disputes, and later with the Mediation Rules 2008 and the Arbitration and Mediation Act, 2023.

Despite the growth of ADR methods like mediation, Nigeria's legal system continues to face significant challenges that hinder the efficient resolution of disputes. One of the most significant challenges in Nigeria's legal system is the prolonged duration of litigation. Court cases can take years to be resolved due to procedural delays, inadequate infrastructure, and an overworked judiciary. This often leads to a backlog of cases, leaving litigants frustrated and disillusioned with the system (*Ogbuyinya v. Okudo*, 1990). Also, the Nigeria's court system is overburdened with a high volume of cases. In many regions, there is a significant shortage of judges, and those available often handle multiple cases simultaneously. The judicial system, although making efforts to handle the caseload, is often unable to process cases efficiently, leading to delays and backlogs. Also, compare to mediation, the costs associated with traditional litigation in Nigeria, including legal fees, court fees, and other associated costs, can be prohibitively expensive for many citizens, particularly those in lower income brackets. As a result, many individuals and businesses choose to forgo legal action altogether, further deepening access to justice issues.

Numerous studies have been conducted to assess the role and effectiveness of mediation in Nigeria, with some offering praise for its potential while others critique the challenges to its successful implementation (Obi-Farinde, 2021). Several scholars have emphasized the potential of mediation to reduce the backlog of cases in Nigerian courts. Mediation offers a faster, more cost-effective way of resolving disputes, which is particularly valuable in a country where the judicial system is overburdened. The preference for court-based solutions often undermines the promotion of mediation, which is perceived as less formal and less binding in the eyes of many litigants and legal practitioners. Nigerian courts are notorious for delays and backlog of cases. This backlog has often made litigation a lengthy, expensive, and frustrating process for litigants. The Nigerian judiciary is also often overburdened, with a high number of cases relative to the number of judges and court facilities. This overload exacerbates delays and hinders the ability of the legal system to efficiently resolve disputes. Mediation has been recognized as a way to reduce pressure on the courts, but its implementation has been slow due to lack of infrastructure, training, and awareness.

Mediation offers a potential solution by providing a quicker, more cost-effective alternative, yet this is often not fully embraced due to systemic inertia and lack of education about the benefits of mediation (Fagbemi, 2020). Mediation has many benefits that offers Nigerians significant social and economic advantages through its speed, by resolving disputes much faster than traditional court processes, sparing parties from prolonged delays (Oraegbunam and Maduakolam, 2024). Research points to the fact that mediation can offer more flexible solutions to parties, allowing them to maintain relationships rather than fostering the adversarial outcomes often associated with litigation. Also, mediation is a more affordable alternative to litigation. It eliminates high court fees and lengthy legal procedures, easing the

financial strain on individuals, particularly in a society where financial constraints often limit access to justice.

Notwithstanding the benefits, mediation still have some challenges. While mediation has been legally formalized, there is a gap between the theoretical framework and actual implementation. Factors such as insufficient training for mediators, lack of public awareness, and lingering distrust of the process remain obstacles. Additionally, the judiciary's reluctance to actively promote mediation, often due to a preference for traditional litigation, inhibits the growth of mediation as a legitimate dispute resolution method. Other studies, also argue that Nigeria's ADR laws and practices need more robust reforms to truly realize the potential of mediation. This includes improving public education on ADR processes, better integration of mediation into the formal legal system, and more active judicial encouragement of mediation at the outset of legal proceedings.

There are still significant institutional barriers to the widespread adoption of mediation in Nigeria. These include a lack of trained mediators, limited funding for ADR programs, and insufficient legal support for enforcement of mediated agreements.

2.1 An Overview of the Arbitration and Mediation Act, 2023

The Arbitration and Mediation Act, 2023 represents a significant milestone in Nigeria's legal landscape, marking a bold step towards modernizing and strengthening the country's dispute resolution framework. The Act consolidates and reforms existing laws on arbitration and mediation, creating a more comprehensive, transparent, and accessible system for resolving disputes outside the courtroom. The Act also focuses on enhancing the enforceability of mediation agreements and formalizing the mediation process within Nigeria's legal structure. It provides clear procedures for mediation, including the qualification of mediators, the role of the judiciary in supporting mediation, and mechanisms for the enforcement of mediated agreements. By doing so, it aligns Nigeria with international best practices, particularly those seen in more advanced legal jurisdictions, such as the United Kingdom and Singapore, where mediation is widely used and accepted as a legitimate alternative to litigation.

The development of arbitration and mediation in Nigeria reflects a transition from traditional, community-based dispute resolution practices to a modern framework influenced by international legal norms. In pre-colonial Nigeria, customary law provided the basis for conflict resolution, with elders and traditional authorities employing informal mediation and arbitration rooted in equity and social values (Obidimma and Okpalangwu, 2021). The introduction of English law during the colonial period initiated a shift, culminating in the formal adoption of ADR mechanisms. The introduction of Western legal systems, including courts, displaced much of the traditional dispute resolution processes. However, elements of mediation and reconciliation were still used informally in communities across Nigeria (Ayua, 2008). The first statute to be enacted on arbitration law in Nigeria was the Arbitration Ordinance 1914, which was later re-enacted as the Arbitration Ordinance 1958. This Ordinance was in force until 1988 when Nigeria adopted the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, thereby enacting the Arbitration and Conciliation Decree 1988. The Arbitration and Conciliation Act, 1988 (ACA), which provided a legal framework for both domestic and international arbitration, introduced conciliation as a formal ADR mechanism, and established procedural rules for arbitral proceedings and the enforcement of awards. In the decades following the ACA, arbitration and mediation began gaining recognition as efficient alternatives to litigation, particularly in commercial disputes (Jinadu, 2024). This legislation facilitated the growth of ADR as a viable alternative to litigation, particularly in commercial contexts, leading to the establishment of institutional ADR centers like the Lagos Multi-Door

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Courthouse (LMDC) in 2002. The expansion of the ADR sector was further supported by private organizations such as the Negotiation and Conflict Management Group (NCMG) and the professional development initiatives of the Chartered Institute of Arbitrators (CIArb), Nigeria branch.

The Arbitration and Mediation Act, 2023 (AMA) replaced the ACA and introduced significant reforms to align Nigeria's ADR framework with international standards. Current trends include increased adoption in family and commercial disputes, strengthened commitment to international treaties, and ongoing efforts to promote ADR awareness, train practitioners, and establish more centers across the country.

The enactment of the Arbitration and Mediation Act, 2023 (AMA), which superseded the ACA, represents a further effort to align Nigeria's ADR legal regime with international best practices. Current trends indicate increasing reliance on ADR in both family and commercial disputes, a stronger commitment to international agreements, and ongoing initiatives to enhance ADR awareness and accessibility across the nation (Umenweke and Nwachukwu, 2024).

The AMA's framework is heavily influenced by the UNCITRAL Model Law on International Commercial Mediation, 2018. It clearly defines the types of disputes eligible for mediation under the Act, sets out the procedure for initiating mediation, specifies the number of mediators required, and outlines the processes to be followed during mediation. The Act also addresses important issues such as mediator immunity and mediator fees. Furthermore, the AMA incorporates the Singapore Convention on Mediation, 2018, recognizing its applicability for enforcing international settlement agreements made outside of Nigeria, provided the State has acceded to the Singapore Convention (Aderoju, 2023).

2.2 Overview and Key Provisions of the AMA

The Act represents a major shift in the Nigerian legal system by ensuring that mediation becomes more standardized and enforceable. This move could significantly reduce delays in the court system, which often leads to years of litigation before cases are resolved. By offering a faster, more flexible alternative, mediation could improve access to justice for individuals and businesses. Section 67 (1) of the Act provides for class of cases that can be mediated under the AMA, this includes: international commercial mediation; domestic commercial mediation; domestic civil mediation; domestic and international settlement agreements resulting from mediation and concluded in writing by parties to resolve a commercial dispute; and where parties agree in writing that Part II of the AMA should apply to the dispute.

The Act also set rules and guidelines for international and local business mediation, including resulting agreements. It outlines the procedure for initiating mediation, specifies the number of mediators required, defines mediation procedures, addresses issues concerning mediator immunity and fees, and much more. A settlement agreement reached through mediation is legally enforceable and can be enforced by a court. For practitioners and parties engaged in disputes, the Act offers a clearer pathway to resolution, with defined rules and regulations. The emphasis on mediator qualification, confidentiality, and enforcement mechanisms gives confidence to users of the system, ensuring that mediation is not just a voluntary process but a legitimate one with legal backing.

The Act gives legal force to mediation agreements once both parties have signed them, making it easier to enforce agreements without through the court system. Furthermore, the AMA recognizes that the Singapore Convention on Mediation, 2018, can be used to enforce international settlement agreements signed outside of Nigeria, subject to the State's admission to the Singapore Convention.

A significant impact of mediation is its potential to reduce the backlog of cases in Nigerian courts. By offering an alternative that is often quicker, cheaper, and less formal than

litigation, mediation alleviates pressure on the judicial system, allowing courts to focus on more complex cases.

Furthermore, the AMA highlights the potential for mediation to promote social harmony, particularly in a multi-ethnic and multi-religious society like Nigeria. Mediation provides a platform for cultural dialogue and understanding, as it encourages parties to listen to one another, understand diverse perspectives, and work together to find a solution. This ability to repair relationships and foster understanding makes mediation a powerful tool for conflict resolution, not only in legal disputes but also in wider societal contexts.

Mediation also empowers parties to control the resolution of their disputes rather than leaving the decision in the hands of a judge. This empowerment is a key aspect of Transformative Mediation Theory, which emphasizes personal growth and relational understanding as outcomes of the mediation process. The process allows disputing parties to engage in a structured dialogue, facilitated by a neutral third party, in an effort to reach a mutually satisfactory agreement. The role of mediation extends beyond simply resolving the immediate conflict; it is designed to foster a longer-term change in how individuals and organizations approach conflict.

2.3. Explicating the Transformative Mediation Theory (TMT)

This study is anchored in the Transformative Mediation Theory, a model that reimagines mediation not just as a problem-solving tool, but as a process that empowers parties and nurtures mutual understanding. Transformative Mediation Theory, developed by Joseph Folger and Robert Bush in the 1990s, focuses on empowering parties to take control of their own disputes and fostering recognition between disputants (Bush and Folger, 1994). This theory focuses on three core principles: empowerment, recognition, and relationship transformation. Empowerment helps individuals regain their strength, decision-making capability, and autonomy in dealing with conflict, especially in intimate relationships like marriage. This is enabled in a mediation process, unlike in the traditional courts, where the parties are not empowered to deal and resolve their disputes, as they have to speak through their lawyers. Whereas, in mediation, the mediator's role is to provide a supportive environment where parties feel confident in voicing their concerns, making decisions, and taking responsibility for the outcomes of the dispute. Empowerment helps individuals regain confidence and a sense of agency, giving them the tools to resolve future conflicts independently. In practice, the mediator(s) create space where parties can speak freely, process emotions, and reflect on their own needs and values without being rushed or pressured.

The second principle of TMT deals with recognition. Recognition helps each party acknowledge and understand the other person's feelings, needs, and perspective, which can lead to greater understanding, reduced hostility, and genuine resolution (Bush and Folger, 2014). In transformative mediation, the mediator helps each party understand the other's perspective, feelings, and needs. By promoting recognition, the theory aims to improve relationships and create more meaningful dialogue between the parties. Even in tough disputes, this principle encourages empathy and acknowledgment, helping parties shift from "me vs. you" to "us navigating this." This aspect is important in creating an harmonious society, where true peace and justice reign.

The end goal of TMT is relationship transformation. The mediator is trained to help parties come to a new place in their relationship where both parties recognized their needs, resolve the dispute and come to a term of agreement (a win-win situation), unlike in litigation, where one party wins it all (win-lose situation). Transformative mediation shifts from problem-solving to relationship transformation, focusing on transforming the relationship between disputants. Unlike traditional mediation models that focus solely on outcomes, transformative

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mediation emphasizes the relational shift a change in how parties see themselves, each other, and the conflict.

A major strength of transformative mediation and by extension, this Act is its potential to heal and rebuild relationships. In families, workplaces, communities, and even commercial partnerships, conflict is not always a one-off event. Sometimes, people need to continue working or living together after the disagreement, whether at the workplace, business or family. This is not just about settling scores. It is about building new bridges or repairing old ones so people can move forward in a better way.

These concepts work together to create a space where conflict is seen as an opportunity for personal growth, relational healing, and a deeper understanding of one another, which is important for a healthy society.

The TMT, with its focus on empowerment, recognition and relationship transformation, offers a powerful framework that aligns well with modern ADR systems. By fostering mutual respect, improving communication, and empowering individuals, transformative mediation not only resolves disputes but also strengthens relationships and promotes long-term change.

In the context of Nigeria's dispute resolution landscape, the AMA, 2023 presents a fertile ground for applying this theory. By formally embedding mediation into the legal framework and elevating its enforceability, the Act creates space for a more relational and human-centered approach to justice. Existing literature on ADR in Nigeria has often critiqued the rigid nature of litigation and the lack of culturally adaptable dispute resolution tools. Transformative mediation addresses this gap by prioritizing party autonomy, dialogical engagement, and long-term relationship repair—values that resonate deeply within many Nigerian communities where consensus and reconciliation are culturally significant.

The Act's provisions—such as structured mediation procedures, recognition of mediated agreements, and the training/accreditation of mediators—further reinforce the principles of empowerment and recognition. It not only legalizes the process but also legitimizes the deeper relational work that transformative mediation advocates.

Transformative mediation has demonstrated its utility across diverse sectors, offering a framework that extends beyond mere dispute resolution to foster positive relational shifts. This approach aims to move parties from adversarial stances towards collaborative engagement, thereby enhancing future interactions and communication. Firstly, within family law, particularly in sensitive matters such as divorce and child custody arrangements, transformative mediation plays a crucial role in facilitating a transition from conflict to collaboration. This focus on improving future communication and cooperation is exemplified by the Lagos Multi Door Court (LMDC), which handles a significant volume of family cases referred by the courts. The LDMC's involvement aims to promote amicable settlements, even in complex situations ranging from divorce proceedings to general family misunderstandings.

Secondly, in organizational contexts, transformative mediation offers a pathway to repair strained relationships between employees and employers, contributing to a more positive and productive work environment. Its emphasis extends beyond resolving the immediate conflict to rebuilding trust and enhancing communication, thereby serving as a preventative measure against future disputes. Thirdly, the principles of transformative mediation have also been effectively applied in addressing community conflicts and social justice issues. In these contexts, it serves as a tool to tackle social inequalities and historical injustices by facilitating the development of empathy and mutual understanding among parties, which is fundamental for achieving meaningful reconciliation.

This theory has influenced ADR systems globally, particularly in countries like the United States, Canada, and the United Kingdom, where the transformative approach is seen as a way to promote more meaningful and lasting resolutions. While it requires highly skilled

mediators and may not always be suitable for all cases, transformative mediation is increasingly valued for its potential to bring about real change, rather than just resolving a dispute.

As more countries adopt mediation as a primary tool for dispute resolution, the global movement toward transformative mediation is likely to continue to shape how conflicts are handled worldwide. Understanding the principles and application of transformative mediation will be key to navigating the future of ADR and creating more just and equitable societies.

3. Comparative Insights: How Other Jurisdictions have Developed Mediation Laws

Several jurisdictions have already made mediation an integral part of their legal systems, and their experiences offer valuable insights. By looking at other jurisdictions like Singapore, the United States, and the United Kingdom, Nigeria can draw valuable lessons for further improving its mediation laws. If implemented effectively, the Act could not only alleviate pressure on the court system but also make mediation a mainstream method of dispute resolution in Nigeria.

Singapore is often held up as one of the best examples of successful mediation in the world. The Singapore Mediation Act (2017) provides a clear legal framework for the mediation process, offering a similar model to Nigeria's Act. The same Mediation Act has been updated three times between 2017 and 2024. This shows the intentionality of the Singapore government to ensure that this process of mediation works effectively in the country. In Singapore, mediation is encouraged as the first step in resolving disputes, especially in commercial matters, and mediated agreements are given the same legal weight as court judgments. In advance of the current legal provisions, Singapore established the Community Mediation Centre (CMC) in 1997, a mechanism designed to resolve a specific scope of disputes, namely those arising within families, between neighbors, and among small business owners and their landlords. The CMC utilizes trained traditional institutions and community leaders to mediate these issues under the supervision of the Ministry of Law. Its mandate is primarily to address minor community disputes to foster social cohesion, leading to the referral of standard commercial disputes, family violence, and criminal matters to the Ministry, although cases amenable to settlement may be directed to professional mediation (Oraegbunam and Maduakolam, 2024). Also, Singapore also has a well-established network of mediators who are highly trained and recognized for their expertise.

In the United States, mediation is also widely used in both civil and commercial cases. Many states have passed legislation encouraging or even mandating mediation before certain types of cases go to trial. For example, the Alternative Dispute Resolution Act of 1998 at the federal level mandates that federal courts offer mediation as an option for certain cases, the law encouraged the development of mediation programs and made funds available to support ADR initiatives.

The U.S. also has a broad range of professional bodies that certify mediators, which helps maintain high standards in the profession. There is high-level commercial mediation with institutions like the American Arbitration Association (AAA) that offer specialized mediation services for commercial disputes, providing a structured framework for parties to reach settlements without going to trial.

The United Kingdom has also embraced mediation as a tool for resolving disputes. In UK, mediation has been employed in a variety of settings, including family law, economic disputes, workplace problems, community matters, and more. The Civil Procedure Rules 1998 introduced the concept of "compulsory mediation" in some civil cases, which requires parties to consider mediation before pursuing litigation. This has helped reduce the number of cases going to trial, ultimately saving time and resources for both parties and the court system.

In England and Wales, individuals contemplating certain applications to the family court are typically mandated to undertake a Mandatory Mediation Information and Assessment

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Meeting (MIAM) as an initial procedural step. The primary objective of this requirement is to ensure that prospective litigants are comprehensively informed about alternative dispute resolution methods, with a particular focus on mediation, and to evaluate the suitability of their specific circumstances for such processes. Such parties must attend a MIAM before they can apply for court proceedings. This process is designed to promote mediation as the first choice before litigation. The Civil Procedure Rules (CPR) encourage the use of mediation in civil cases, and mediators are often appointed by the courts in more complex matters. Also, the UK has robust commercial mediation practices, driven by institutions like the Centre for Effective Dispute Resolution (CEDR).

The key lesson for Nigeria from these countries for mediation to thrive, there must be appropriate legal framework, widespread creation of mediation centres, training and accreditation of mediators, as well as public education about the process. Aside from the legal framework, Nigeria as a male dominate country with patriarchal system, will required appropriate trainings of mediator to push through cultural and gender imbalances to help the parties achieve amicable solutions or agreement.

These international practices can be imbibed by the country. For instance, it is important for Nigeria to create a structured, regulated certification process for mediators to ensure the credibility and effectiveness of the system. Also, encouragement of mediation at an early stage of the legal process could be highly beneficial in reducing delays in resolving disputes, as applicable in the UK Civil Procedure Rules. Though it is worthy to note that there is a similar provision on pre-litigation mediation under the LMDC Practice Direction on Mediation Rules. However, this is not applicable to different states in Nigeria.

4. Implicit Alignment of the Arbitration and Mediation Act 2023 with Transformative Mediation Theory

While the Arbitration and Mediation Act, 2023 of Nigeria does not explicitly employ the term *transformative mediation*, its foundational structure, specific provisions, and overarching ethos exhibit a significant alignment with the core tenets of this theoretical framework, particularly the dual objectives of empowerment and recognition.

The Act's emphasis on the voluntary nature of mediation directly supports the principle of empowerment. By granting parties the autonomy to determine their engagement in dispute resolution, the legislation respects their agency. Even in instances of court-referred mediation, the Act allows parties to withdraw for valid reasons, reinforcing their control over the process. Furthermore, the Act's provision for confidentiality and informality in mediation proceedings creates an environment where parties can articulate their perspectives without the constraints of strict legal formalities, thereby maintaining ownership of their narrative. The stipulated non-directive role of the mediator, who facilitates dialogue rather than imposing solutions, further underscores the empowerment of the disputants to arrive at their own resolutions. The mandatory training requirements for certified mediators, which include crucial soft skills such as active listening and neutrality, are also instrumental in fostering a supportive environment where parties feel genuinely heard and empowered throughout the mediation process.

The Act's procedural emphasis on fostering joint sessions and open dialogue directly embodies the principle of recognition. By providing a structured platform for each party to articulate their perspective and actively listen to the other, the legislation encourages mutual acknowledgement of viewpoints. Moreover, the mediators is allowed to conduct private sessions (caucuses), contributes to recognition by creating safe spaces for individual reflection and honest sharing. These confidential interactions can facilitate a deeper understanding of one's own role in the conflict and potentially lead to a shift in perspective towards the other party.

No doubt, the Arbitration and Mediation Act, 2023 is a significant step towards modernizing dispute resolution in Nigeria. With provisions aimed at enhancing the legitimacy, accessibility, and enforceability of mediation, the Act has the potential to transform how Nigerians resolve disputes. However, its success will depend on ensuring the proper training of mediators, increasing public awareness, and fostering a culture of mediation in the legal community.

Transformative mediation is distinct from other forms of mediation because it goes beyond simply reaching an agreement between the parties. It aims to shift the dynamics of the relationship, promoting long-term change. While many ADR systems focus on facilitating a settlement, transformative mediation seeks to change the underlying power dynamics and communication patterns between the parties.

5. Conclusion and Recommendations

The Arbitration and Mediation Act, 2023 aligns beautifully with the goals of Transformative Mediation. Its structure empowers parties to make their own decisions and provides space for deep recognition of one another's humanity. Through these mechanisms, the Act does more than just resolve disputes—it supports the kind of transformation that leads to lasting peace, stronger relationships, and healthier communities. As Nigeria continues to build a modern ADR culture, anchoring mediation in theories like the transformative model will ensure it is not only legally sound—but deeply human too.

A bird without a wing is no bird; mediation without an appropriate legal framework is like a bird with broken wings, unable to soar above the storms. The AMA, 2023 is the new set of wings, empowering mediation to soar in Nigeria's legal system. As unknown author once said, "Your wings already exist. All you have to do is fly." So, the AMA is the wings to soar with, all we need to do is to fly with it. AMA, the new wings of mediation to fly.

In view of the above discussion, this paper recommends the followings:

- **Public Awareness Campaigns**

Increasing public awareness about mediation as an alternative to litigation is crucial. This can be achieved through outreach programs, media campaigns, and educational initiatives that emphasize the benefits of mediation in everyday conflicts. This awareness should also seek to educate the public, the judiciary, the legal profession, inclusive. Education of this ADR method should start early from primary schools.

- **Political Will and Government Support:**

For the mediation system to work in Nigeria, there needs to be strong political will and government support. Lessons can be learned from Singapore, where the government has actively promoted mediation as part of its economic diplomacy and domestic legal reform.

- **Adoption of Global Practices on Mediation**

Adapting global mediation models to Nigeria is an exciting opportunity, but it must be done thoughtfully. The best practices from Singapore, the UK, and the US offer valuable lessons, particularly in court-annexed mediation, mandatory mediation information, and mediator accreditation. However, for these practices to truly take root, Nigeria will need to adapt them to its cultural, legal, and economic contexts. With careful implementation, global best practices can be transformed into homegrown solutions that drive the future of mediation in Nigeria—leading to more accessible, efficient, and just conflict resolution for all.

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