

COURT ANNEXED MEDIATION: SUCCESSES, CHALLENGES AND POSSIBILITIES

LESSONS FROM AFRICA SESSION (NIGERIA)

BY

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INTRODUCTION

Many thanks to the Mandela Institute at the Wits School of Law for the invitation extended to me by Dr Mohamed Chicktay which read in part as follows: *“With litigation becoming increasingly costly and time consuming, access to justice is denied to the majority of South Africans particularly poor and marginalized communities. Mediation offers parties to resolve disputes expeditiously. It gives parties ownership of the outcome of the disputes and restricts the number of cases inflicted upon an overburdened judiciary. The overall objective of the conference is to promote mediation and specifically support the Department of Justice’s court annexed mediation project.....We are keen to hear about the Nigerian Multi-Door Courthouse....”*

In this presentation, I will address key aspects of the functioning of the mediation process in the Multi-Door Courthouses in Nigeria and respond to a number of key issues of importance to the South African judiciary as it contemplates the most suitable model to adopt towards enhancing access to justice in the country. Part One of my presentation will discuss access to justice and justice sector reform. Part Two will examine the history of The Lagos Multi-Door Courthouse, highlight the fundamental issues pertaining to its operations and discuss its strengths and weaknesses. Under this segment, the issues that will be examined will include appointment of mediators, the required qualifications for court annexed mediators, control of mediation standards, payment of mediation costs, legal representation, legal aid, voluntariness or otherwise of mediation, stage at which matters are

referred to mediation, referral to court annexed mediation, documentation given to the mediator, statistics regarding settlement rates, settlement in informal sector, description of court annexed mediation processes and lessons for South Africa. In conclusion, - Part Three will look beyond the Multi-Door Courthouse concept, discuss the Supreme Court Mediation Centre in Nigeria and bring to our collective awareness the Singaporean model which was predicated on the leadership of the judiciary to result in what is today regarded as the most attractive seat for dispute resolution in Asia. I will argue that true access to justice can only be attained by *"both access to the courts as well as access to the mechanisms for reaching consensual outcomes outside the courts,"* and will make a case for expanding access to justice by giving consideration to the establishment of an International Centre for Mediation (and possibly Arbitration).

ACCESS TO JUSTICE REDEFINED

Justice Sundaresh Menon, the Chief Justice of Singapore stated at the launching of the Subordinate Courts in 2013 that; *"access to justice can and should be enhanced by both access to the courts as well as access to the mechanisms for reaching consensual outcomes outside the courts."* He added that enhancing justice is "multi-faceted"; that courts need to work with stakeholders, communities and the public to develop and strengthen the avenues of justice that are available both within and outside the court system. According to the International Consortium for Court Excellence, the context and quality of access to justice can only be nurtured within a judicial ecosystem whose operational framework focuses on 4 metrics; i) expedition and timeliness, ii) equality, fairness and integrity, iii) independence and accountability and iv) public trust and confidence.

In his 2015/16 Legal Year speech, the Chief Justice of Nigeria, Justice Mahmud Muhammed, adequately captured the public opinion on the justice system in Nigeria when he remarked as follows;

"A major criticism of our system of justice delivery in Nigeria is the persistent delay in the administration of justice. Indeed we must note the old judicial aphorism that states that Justice Delayed is Justice Denied"

Denied, which I daresay is more so where life and liberty are at stake..."

When the NCMG International almost two decades ago began the campaign for judicial reform and access to justice which led to the establishment of the Lagos Multi-Door Courthouse (LMDC) in 2002, as the first court-connected ADR centre in Africa, little was known about its promise in Nigeria. Today, the promise is there for all to see, not only in Nigeria but the world over. With the increasing level of awareness of the use of ADR mechanisms by the Bar and the Bench, the introduction of Lagos Settlement Week, the new civil procedure rules in Lagos, the restoration of severed relationships which would otherwise have been impossible, the innovative approach recently deployed by the Chief Justice of Nigeria which has resulted in the reduction of brimming court dockets at the Supreme Court, it is clear that the promise of ADR is without question.

JUSTICE SECTOR REFORM: AN AFRICAN IMPERATIVE

William O. Douglas wrote in his book *'The Anatomy of Liberty'* that 'equal protection under the law is the most important single principle that any nation can take as its ideal. Those who practice it have strength and unity that other nations lack. A sense of belonging is perhaps the most important community attitude a people can have'. A sense of belonging is the foundation upon which public trust and confidence are built. If properly engineered, justice reform can be a precursor for public trust and confidence. It has become increasingly evident that an efficient and effective judicial system is necessary to promote a sustainable environment of economic and social stability and the rule of law, in which other development initiatives (including poverty reduction, education, and gender equity) can flourish. As a result, judicial reform has come to occupy a prominent place in the priorities of many developing countries as well as in the programs of multilateral lending institutions and other organizations worldwide.

The African judiciary must play a pivotal role in this change regime to gain investors and public confidence. Our courts are inefficient and inaccessible to many. They are characterized by the common problems of delays, high costs, and antiquated methods. The average lifespan of a dispute in a number of trial courts in Africa ranges from 4-10years. The same dispute can spend another 3- 6 years at the Court

of Appeal plus 2 – 4 years at the Supreme Court. In effect, the estimated average lifespan for a dispute is expected to be around 20 years or even more. In his speech at the opening of the New Legal Year (2015/16), Hon. Justice Mahmud Mohammed, GCON, Chief Justice of Nigeria said *"In the 2014/ 2015 Legal Year, the Supreme Court heard 1578 matters, consisting of 1009 motions and 569 substantive appeals, delivering 262 Judgments in that period. Indeed, we received over 500 new appeals filed in the last Legal year alone at the rate of about ten new appeals per week, most of which are interlocutory in nature"*.

Among other priorities, African judiciaries need a plan that stresses the importance of a modernized judiciary for both economic growth and social stability. We must press for reforms aimed at improving the administration of justice and make requisite constitutional amendments towards making appeals no longer a right for anything, everything and nothing. We must emphasize raising the judiciary's standards in order to enable Africa deal with the emerging challenges of globalization, technology advancement and the impact of foreign cultures, knowledge and ideas. We must learn from the examples of jurisdictions such as the United States whose Supreme Court Justices attend no more than 80 to 100 matters annually under their Rule of 4 Principle.

The Right Honourable Lord Woolf said at the Singapore Mediation Lecture 2013 on his report on "Access to Justice" that *"the role of the judiciary should no longer be limited to conducting trials in a way which almost inevitably drive the parties further apart. Instead, the judge throughout the litigation should be looking for ways of reducing the areas of dispute, and in this way, promoting more proportionate litigation. That is litigation that is more efficient, less expensive, more expeditious and consensual. Alternative dispute resolution, and especially mediation, is an important part of this approach and so it is said that my report acted as a catalyst for the development of mediation. Certainly it led to an increase in the use of mediation. Up to that time, the use of mediation had been very limited."*

Singapore has taken the lead in Asia with the establishment of the Singapore International Mediation Centre (SIMC), Singapore International Arbitration Centre (SIAC) and Singapore International Mediation Institute (SIMI). United Kingdom,

United States, Canada, Hong Kong are among nations that had taken the giant stride in achieving the cutting edge judicial system for the 21st Century.

MULTI-DOOR COURTHOUSES IN NIGERIA: THE LAGOS MULTI-DOOR COURTHOUSE EXAMPLE

THE HISTORY OF THE LAGOS MULTI-DOOR COURTHOUSE

The emergence of multi-door courthouse can be traced to 1995. Then I was five years old in legal practice and a partner in the law firm of Aina, Blankson & Co. as Head of Litigation. Those short glorious years were for the most part spent in courtrooms, a place of passion and great delight but very little satisfaction. It was my view then (and still is) that access to Justice means much more than access to the courtroom; access to justice means providing opportunity for a just and timely result. Not only did I not experience that "just and timely result" in those five years, none of those I represented did. I needed no conviction that for litigation to be effective and indeed for an efficient administration of justice to be attained, there must be supplementary avenues for dispute resolution. In my view, there is the imperative need to institutionalize the multi door-court Concept which had antecedence in the culture and practices of indigenous tribes in Africa and has achieved prominence in advanced countries of the world. Thus to me, the ideal court is neither a High Court nor a low court but rather, a comprehensive dispute resolution centre that could offer an array of options ranging from litigation to arbitration, mediation and others in the resolution of disputes.

Against this backdrop, in 1995 I founded the Negotiation & Conflict Management Group (NCMG) as the body to midwife this dream. It was not until the year 2001 that the dream became a reality; the NCMG collaborated with the Lagos State Judiciary to establish The Lagos Multi-Door Courthouse (LMDC) as the first court-connected ADR centre in Africa. Since the establishment of the LMDC, the notion of multi-door courthouse (MDC) has been replicated in other states in Nigeria.

APPOINTMENT OF MEDIATORS

Interested candidates apply to MDCs indicating their areas of specialization and fields in which they possess ample knowledge and expertise. Applicants support their applications with all their credentials and other relevant information. A

screening and selection process is set up to review all credentials, and shortlisted candidates are interviewed with a view to selecting the most qualified candidates. In conducting the exercise, the screening committee examines factors such as the past experience of the candidate as a mediator, academic qualifications as well as professional courses undertaken as a mediator.

THE REQUIRED QUALIFICATIONS FOR COURT ANNEXED MEDIATORS

Training and experience in mediation are required for effective mediation. Hence, in addition to academic qualifications which may offer some insight on a candidate's substantive area of interest, a person who offers herself or himself as available to serve as a mediator is required to demonstrate competence. Hence, prospective mediators are required to make available to court-annexed centres appropriate information regarding their relevant training, education and experience.

CONTROL OF MEDIATION STANDARDS

Most MDCs have code of ethics to guide their mediation process. These codes emphasize qualities such as self-determination, impartiality, conflict of interest, competence, confidentiality, obligation to the mediation process, advertising and solicitation and interaction with the Law. Another key aspect of control of the process is that a Neutral may be suspended or delisted from the Panel for substandard performance, breach of ethical standards for mediators, persistent failure to carry out the duties of a mediator or failure to complete required continuing education credits, or for conduct prejudicial to the proper administration of justice. A decision delisting a mediator can be reviewed upon an appeal. Recently, the need to have a uniform code of ethics for mediators have given rise to a movement known as SPIDR which is currently working in concert with the International Mediation Institute (IMI).

MATTERS FOR MEDIATION AT MDCs

Matters which MDCs handle include banking, business/commercial, construction, civil rights, employment, environmental, matrimonial causes, maritime, telecommunication, energy, administrative, insurance, intellectual property/technology, labour, real property, securities, shipping/transportation, personal injury, probate, product liability, professional malpractice/ negligence.

LOCATION OF COURT ANNEXED MEDIATION CENTRES

Most MDCs are annexed to high courts. However, this does not bar the centres from receiving matters through referrals from the magistrate courts. A unique exception is the Court of Appeal Mediation Programme which is specifically linked to matters before the Court of Appeal. The legal foundation for this process is the Court of Appeal Rules, Order 16 Rule 1 Sub-rule 1 which provides that: *“At any time before an appeal is set down for hearing, the court may in appropriate circumstances upon the request of any of the parties refer the appeal to the Court of Appeal Mediation Program (CAMP); provided that such appeal is of a purely civil nature and relates to liquidated money demand, matrimonial causes, child custody or of such other matter as may be mutually agreed by the parties.”*

PAYMENT OF MEDIATION COSTS

Unlike “court-based or court-connected” cases in which case management and administration is operated by courts, individuals and institutions who ‘walk in’ pay cost and fees based on the nature of matter sought to be resolved. However, quite apart from fees paid upon filing of cases, court referred cases no longer pay any additional fees as they did when the LMDC started.

LEGAL REPRESENTATION

Legal representatives can be allowed in the mediation process for certain reasons. First, it is assumed that mediation is a natural extension of legal training and that it is a skill readily acquired by attorneys. The second is that because most disputes involve complex legal matters, legal experience is necessary to bring matters to a satisfactory conclusion and guarantee justice, especially in cases where one or more parties are unrepresented. This is more so as attorneys are the traditional gatekeepers of the justice system. The LMDC Law 2007 requires legal practitioners to cooperate with parties in the process of mediation. Also the 2012 High Court of Lagos State (Civil Procedure) Rules (High Court Rules), by virtue of Order 25 Rule 1 Sub-rule 2 empowers the Pre-trial Judge to require that the Claimant and his Legal Practitioner cooperate with the Court in relation to the demands of the Pre-action Protocol namely that; (i) he has made attempts at amicable resolution of the dispute through mediation, conciliation, arbitration or other dispute resolution options; (ii) that the dispute resolution was unsuccessful, and that by a written memorandum to

the Defendants, he set out his claim and options for settlement; and (iii) that he has complied as far as practicable, with the duty of full and frank Case management conference and scheduling Order 25 Rule 1 Sub-rule 2 paragraph C promoting amicable settlement of the case or adoption of ADR.

However lawyers sometimes stand in the way of mediation process. Over the years, we have examined the reasons for this behaviour by counsel and found that counsel tend to feel that as advocates they must impress their clients by objecting to suggestion of ADR as an option of settlement. Some also have the erroneous impression that ADR means Acute Drop in Revenue.

LEGAL AID

Some multi-door courthouses, such as the Lagos Multi-Door Courthouse, have a Fee Review and Pro-Bono Committees which reviews each application and where stipulated criteria are met by the applying party, grants fee revisions or pro-bono services.

VOLUNTARINESS OR OTHERWISE OF MEDIATION

Parties can voluntarily refer their matters to court-connected multi-doors. Through referrals of court, some measure of mandatory mediation is also possible. For instance, Section 16(1) (a) to (h) of the LMDC Law generally provides, among other things, that the court should: encourage the use of the LMDC for the settlement of dispute; avoid the assumption of the role of a mediator in the course of a pre-trial conference; inquire from parties, efforts made at ADR; examine the reasons stated for a failed attempt towards employing ADR in the resolution of disputes; ensure that parties and their counsel show proportionate and responsible behaviour in their pursuit of exploring or adopting ADR in the resolution of disputes; and discourage the continuation of proceedings in Court until parties referred to The LMDC have through their counsel or by themselves confirmed submission to proceedings at the LMDC and a report has been duly filed in Court by the LMDC.

Also at the case management stage, the pre-trial judge performs a number of functions relating to mediation which include; (a) mandating the parties to use mediation process where the Court considers it appropriate and facilitating the use of such procedure; (b) assisting the parties to settle the whole or part of the case; (c) fixing timetables or otherwise controlling the progress of the case; and (d) giving

directions to ensure that the trial of the case proceeds quickly and efficiently. At the case management conference, there may arise the need for a party to reframe his facts or re-set his case as things may have changed since the filing of the statement of claims. According to Order 15 Rule 4, a judge may, upon certain terms, allow for such application provided it is made at the first case management conference. This provision is significant considering that a proper presentation of issues is critical to an amicable settlement of disputes. Also, in line with Order 15 Rule 16 of the High Court Rules, the pre-trial Judge may for the purpose of preventing delay in proceedings, exclude any unnecessary or scandalous item in a pleading.

STAGE AT WHICH MATTERS ARE REFERRED TO MEDIATION

Matters come to mediation through walk-in, when mandated by the court or through direct intervention by the MDCs. Walk-in refers to a situation where by parties walk into the centres to request for mediation service. Court referred matters occur before or during trial process. Cases can also be referred upon being filed at the registry, if the registrar finds, after screening, that the matter is amenable to mediation. While trial is on, the judge may refer matters to mediation services.

REFERRAL TO COURT ANNEXED MEDIATION

The Presiding Judge in a matter already undergoing litigation or in the course of a pre-trial conference may in appropriate circumstances refer parties to an MDC. For instance, apart from the High Court of Lagos State, matters may be referred to the LMDC from the Federal High Courts or the High Courts of other jurisdictions outside Lagos. Also, according to the Rules of Court, every civil suit filed in the High Court of Lagos State is screened for mediation amenability and referred to the multi-door courthouse.

SETTLEMENT IN INFORMAL SECTOR

Mediation happens in the informal sector e.g. by traditional leaders. It is imperative to state that generally, the history of major tribes in Nigeria i.e. the Yoruba, Igbo and Hausa, is replete with hierarchical channels of dispute resolution. These channels revolve around indigenous value system which do not only emphasis justice but more importantly, reconciliation, good neighbourliness and peaceful co-existence.

This would explain why in these channels, negotiation and mediation are favoured as vital tools for dispute resolution and persons to whom disputants submit their complaints would sit as mediators and conciliators. Indeed, the strength of the traditional channels of dispute resolution among the major tribes of Nigeria is visible in its sensitivity, promptness and access.

Often time, agreements reached at that forum can be recognized in the context of prosecuting a claim before the court. Only settlements reached in a multi-door courthouse can become an order of court, upon an application to the high court. A Settlement agreement executed by the parties at an ADR Session is deemed to be an Offer to settle which is accepted within the meaning of Order 38 of the Rules of Civil Procedure.

DESCRIPTION OF COURT ANNEXED MEDIATION PROCESSES, THE STRENGTHS AND WEAKNESSES

The Mediation session usually begins with an initial joint meeting between the parties and the Mediator. At this meeting, the procedures and ground rules covering the mediation process, order of presentation, decorum, use of caucuses and confidentiality at the proceedings are presented. The role of the mediator is to assist parties to communicate thus moving beyond positions to explore possible solutions or settlements. The mediator does not give a formal evaluation, but rather prompts the parties to assess their relative interests and positions and to evaluate their own situations through the exchange of information, ideas and alternatives for settlement.

After these preliminaries, each party describes how s/he views the dispute. The referring party discusses his/her understanding of the issues, the facts surrounding the dispute, reliefs sought and why. The other party responds by making similar presentations to the Mediator.

After a period of clarification and deliberation, the Mediator may meet each party privately (caucuses) to explore resolution options, in confidence. Several separate caucuses may take place. During each caucus, the Mediator clarifies each party's version of the facts, priorities, positions, underlying interests and explores alternative solutions, and seeks possible trade-offs. The Mediator does not serve as an advocate but as an "agent of reality". As soon as there is semblance of common ground, a joint session may be convened. Here, the Mediator narrows the differences between

the parties; emphasizes the progress made and formalizes the offers to gain an agreement. The Terms of Settlement reached is then reduced into writing and signed by the parties.

The strength is that it provides satisfying, timely and cost effective justice to parties. The weaknesses of the process includes low level of public awareness and resistance from the Legal Community.

One of the approaches which has enhanced mediation process in Nigeria is the Settlement Week. During this week, a number of cases referred from selected courts are set down for mediation at the LMDC. A superficial assessment from the standpoint of the number of cases scheduled for the Week could obscure its utility. The impact of the Week in real terms goes beyond the Week to speak volumes about the efficacy of the mediation process and further creates awareness of the LMDC in the public sphere.

As has been explained rules of courts allow for mandatory referral to the multi-door courthouse. For instance, The LMDC Law has assisted submission challenges by the provision for mandatory referrals in Section 16 (1) (e) of the LMDC Law which states that:

16. (1) It shall be the responsibility of the Judges of the High Court of Justice, Lagos State, to further the cause of ADR and give effect to the overriding objective of The LMDC by:

(e) "controlling and managing proceedings in Court and issue orders which would encourage the adoption of ADR methods in dispute resolution, including the mandatory referral of parties to explore settlement at The LMDC whenever one of the parties to action in court is willing to so do;"

The notion that loads of money and infrastructure is required to set up a multi-door courthouse is untrue. Anyone that visits the sprawling space which the Lagos Multi-Door Courthouse (LMDC) occupies today is likely to be daunted and perhaps intimidated by its sheer size and likely cost. That should not be! I recall very vividly that the space we started LMDC with was no more than the Chambers of one of the Judges and there was not a single room for mediation. However, what we lacked in space, we provided for with our dogged passion, commitment and determination.

With no money from the judiciary and the State government at the time, we utilized the resources of NCMG International and my law firm, Aina Blankson, LP to have the project started. When the then Chief Judge Bisi Sotiminu visited, she was only too quick to have the adjacent courtroom vacated and handed over to the LMDC as Mediation Room. Within a year, two additional courtrooms were added to the LMDC as the contribution of the project was by this time, clear for all to see. Without a doubt, a similar feat can be achieved in each judiciary in Nigeria if the Chief Judge of each State is committed and genuinely interested. Anyone that believes money is an obstacle to a worthwhile cause has no business in leadership and leading such a cause. Without a doubt, innovation, creativity and determination are the primary capital and catapult of change.

Permit me to briefly share with you the recent performance evaluations from the Lagos Multi-Door Courthouse (LMDC) which seems to be ahead of the pack based on the following benchmarks; management & staff, availability and utilization of resources, neutrals, case processing and management.

LMDC Performance Data Table Here

2015 Dockets/Suitable Cases Screened into ADR		1,561
<i>LSW 2015</i>	<i>938</i>	
<i>ADR Unit</i>	<i>161</i>	
<i>ADR Track</i>	<i>462</i>	
Cases Brought forward from 2014		292
<i>LSW 2014</i>	<i>76</i>	
<i>Others</i>	<i>216</i>	
Total Cases		1,853
Full Submission to Med. & Arb.		821
Total Mediation/Arbitration Concluded		528
Closed Matters		
<i>Settled</i>	<i>315</i>	
<i>Not Settled</i>	<i>213</i>	

The Multi-Door Courthouse has changed the effectiveness of Lagos judicial landscape by reducing its case backlog, improving its expedition and timeliness while garnering public trust and confidence.

It is worthy of note that towards a more efficient judicial system and improved access to justice, the Chief Justice of Nigeria has commenced the introduction of the **Supreme Court Mediation Centre (SCMC)** which seeks to reduce the length of dispute resolution in the apex court while creating confidence in a vibrant, effective and proactive judiciary in Nigeria. In appreciation of the importance of the trial courts and the High Court Judges towards a meaningful change and reform within the justice system, the Chief Justice recently engaged NCMG International as the consultant not only for the SCMC but also to work directly with each of the trial courts in the establishment of multi-door courthouses. The rationale for this is quite obvious for without a collective paradigm shift by the entire judiciary in the country, the lofty aspirations of the Supreme Court Mediation Centre and the current administration of President Buhari cannot be fully attained. In other words, it is only through the commingling of the efforts of the Chief Justice of Nigeria, Court of Appeal President and all the Chief Judges of each State of the federation can the much needed change which the President Muhammadu Buhari's administration aspires and the citizens deserve be attained.

CONCLUSION

According to the World Bank Ease of Doing Business Index Report 2015, the African continent has the highest concentration of countries where it is hardest to do business, with Nigeria among the last 49 countries of the 189 countries surveyed in the report. One major reason why Nigeria and other African countries are ranked low in terms of the ease of doing business is because they have very poor mechanisms for enforcing contracts. Court congestion, lack of efficient arbitration and ADR system, lack of simplified civil procedure for commercial cases, weak judicial institutions as well as inexperience on the part of judges are some of the factors responsible for poor dispute resolution system and by extension poor contract enforcement index.

Singapore and Hong Kong that are highly regarded as favourable dispute resolution seats achieved that feat by conscious efforts and synergy between their governments and the organized private sector. As an efficient dispute resolution system is *sine qua non* to economic growth, today's "access to justice" must include **"both access to the courts as well as access to the mechanisms for reaching consensual outcomes outside the courts"** (emphasis mine). Access to justice must be "multi-faceted"; courts need to "work with stakeholders, communities and the public to develop and strengthen the avenues of justice that are available both within and outside the court system". With the introduction of the Supreme Court Mediation Centre, the intended establishment of multi-door courthouses in all the State High Courts in Nigeria and the call for the review of extant laws in Nigeria, I will propose the possible establishment of the International Centre of Mediation and Arbitration towards attaining true access to justice in Africa. In truth, the answer to decongesting the courts, providing the much needed investor confidence in the justice sector and growing the economy lies in expanding access to justice to include access outside the confines of the traditional courts. The court of the future cannot be limited to the harrowed halls, the decorated walls and the impressive pillars of the traditional courts. The example of Singapore is worthy of note. Singapore enjoys a trust premium with its litigation and arbitration services well established and the Singapore Courts internationally respected. Singapore is now widely recognized as the leading arbitration hub in Asia and a base for international law firms as well as corporate counsel of MNCs within Southeast Asia and South Asia. The value-add of the legal services sector has grown by about 25 percent from \$1.5 billion in 2008 to an estimated \$1.9 billion in 2012.

It is instructive to note that the change in the dispute resolution landscape in Singapore was largely led by the judiciary working in concert with the Ministry of law and the private sector. In furtherance of his commitment to enhancing access to justice, the Honourable Chief Justice Sundaresh Menon and the Ministry of Law in April 2013 appointed Edwin Glasgow CBE QC and George Lim SC, to co-chair a Working Group comprising international and local experts to propose plans to develop the international commercial mediation space in Singapore. Today, the combined effect of a respected court system backed with the Singapore International Arbitration Centre and the Singapore International Mediation Centre

makes the country one of the most preferred both for investment and dispute resolution services. According to the White and Case 2010 International Arbitration Survey, Singapore is the third most preferred seat of arbitration in the world, behind London and Geneva, and at par with Tokyo and Paris. The Singapore International Arbitration Centre has also become the 4th most preferred arbitration institution behind the International Chamber of Commerce, the London Court of International Arbitration and, American Arbitration Association/International Centre for Dispute Resolution.

In order for Nigeria and South Africa to become focal points of dispute resolution in Africa, it is crucial for the Judiciary to build a credible offering of the entire suite of dispute resolution services. Developing international commercial mediation and arbitration services will ensure that commercial users of dispute resolution services can choose from the full spectrum of processes ranging from facilitative mediation to binding arbitration and in appropriate circumstances litigation.

The future of the judiciary in Africa is not dependent on what happens but rather on what happens because of each and every one of us. While it may be true that the judiciary alone cannot change Africa, it can most certainly cast a stone across the waters to create many ripples.

Thank you all for listening.

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