

**Hope for Expedited prosecution of Arbitration related litigation in Nigeria
under the Arbitration and Mediation Act, 2023
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Arbitration related litigation in Nigeria can be slow.¹ Gorilla tactics may be employed by recalcitrant parties who may seek to prevent the constitution of arbitration panel, delay the arbitral proceedings or prevent the enforcement of the arbitral award. Nigeria's Arbitration and Mediation Act, 2023 (AMA) is replete with several mechanisms to ease the arbitration process. This piece highlights four ways AMA may be a game-changer and offer hope for the expeditious prosecution of arbitration related litigation.

The AMA has special rules governing court hearings.² The AMA unlike the recently repealed Arbitration and Conciliation Act, 1988 (ACA), offers more timelines for acts to be done to expedite the prosecution of arbitration related litigation. One, arbitration claims in the High Court shall be entered on the court's list and its first hearing must not be later than 30 days for defendants within the jurisdiction and 40 days for defendants served outside the jurisdiction.³ Similarly, arbitration appeals must be listed promptly with its first hearing heard within six months after the filing of the record of appeal at the Court of Appeal.⁴

Two, High Courts may decide the entire arbitration claim or particular issues arising in it without an oral hearing except a party specifically requests an oral hearing.⁵ Similarly, appellate courts may determine arbitration appeals based on the records and briefs of argument without oral hearings, where there is no specific request for oral hearings.⁶ On the grounds of fair hearing, courts may be wary of refusing requests for oral hearing, yet conditions may be formulated to guide when such requests may be refused.

Three, the AMA reduces the 60 day rule by granting appellants in arbitral related proceedings the right to file records of appeal simultaneously with their notice of appeal. Normally, appellants only have a right to prepare and file records of appeal if the court has not prepared one within 60 days of the filing of an appeal. The respondent may file additional records if the records are either inaccurate or insufficient.

¹ See for example, *IPCO (Nigeria) Limited (Respondent) v Nigerian National Petroleum Corporation (Appellant)* [2017] UKSC 16.

² Arbitration Proceedings Rules.

³ Rule 15(1)(d)&(e), Arbitration Proceedings Rules.

⁴ Rule 12, Arbitration Proceedings Rules.

⁵ Rule 15(1)(h), Arbitration Proceedings Rules.

⁶ Rule 13, Arbitration Proceedings Rules.



Four, failure to comply with the time lines in arbitration claims or appeals, the arbitral award or interim measure of protection shall immediately become enforceable, unless the court otherwise orders.⁷

If appellate courts accelerate arbitration appeals accordingly, decisions may be reached expeditiously. Hopefully, with the capacity building programmes for Nigerian judges and the proper application of the AMA, Nigeria will become a preferred seat for arbitration, with no tolerance for time wasting tactics.

⁷ Rule 12, Arbitration Proceedings Rules.