

**THE CONCEPT OF MULTI-DOOR COURTHOUSE
(MDCH) IN NIGERIA: AN APPRAISAL OF THE
NATIONAL INDUSTRIAL COURT MULTI-DOOR
COURTHOUSE MODEL**

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Abstract

Over the years, the practice and procedures adopted under the administration of justice in Nigeria and the consequential effects, led to the clamour for the review of the existing framework on resolving disputes generally. Government's involvement in the finance and administration of justice in Nigeria also provided inflexible challenges ranging from funding, appointment, and financial allocation to the courts, to mention a few. The concept of Multi-Door Courthouse (MDCH), however, is a unique conception. It has the sole aim of providing alternative practice and procedures such as litigation, arbitration, negotiation and mediation in resolving disputes among parties in a courthouse. Notwithstanding the challenges faced under the administration of justice, the National Industrial Court of Nigeria (NICN), like the Lagos State High Court of Justice, has taken a new dimension in the dispensation of justice within the Nigerian Legal System by making efforts which though seem similar to the existing MDCH structures in Nigeria, it features a unique MDCH system. This paper therefore reviews the concept of MDCH under the National Industrial Court Instruments, 2015, and the National Industrial Court Alternative Dispute Resolution Rules, 2015. It concludes by making recommendations for the development of the Nigerian Legal System in the nearest future.

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1.0 Introduction

One major factor that led to the agitation and eventually, the integration of Alternative Dispute Resolution (ADR) mechanisms in Nigerian courts' system is the concern of disputants who are the major users of Nigerian court system - the court congestion. Court congestion ultimately was found to be responsible for the delay in the administration of justice and as a result, it is a major factor that determines the decisions of parties who are responsible for taking decisions on how to proceed in resolving their disputes or seek redress. Indeed, Olateru-Olagbegi in reiterating Adejumo, who defined administration of justice, stated that the administration of justice in its general sense includes the courts, the ministries of justice, the prison, the police and all other agencies of government that partake in ensuring that justice and fairness are meted out to all and sundry according to law, did agree that the frustration encountered in courts automatically leads to despair which can better be imagined than experienced by the parties seeking for justice in Nigerian courts.¹ According to Akomolede,

The fact cannot be gainsaid that the dispensation of justice in Nigeria today is plagued with delay such that the various courts are inundated with cases which last for several years before they can be determined by the courts (sic) of first instance. Long adjournments, cumbersome and rigorous procedure, difficulty and ambiguous rules of evidence, and other several artificial obstacles are largely responsible for the delay which has so much haunted the dispensation of justice system for so long.²

¹ See Olateru - Olagbji O.A. "Delay and Congestion in the Administration of Justice in Nigeria" *Akungba Law Journal* Vol. 1, No. 3, (2009) pp 355 – 364, citing Adejumo B.A., "The Role of Courts in the Administration of Justice in Nigeria: National Industrial Court in focus" being a paper presented at the 1st Achievers University, Owo, Ondo State on 4th November, 2008 p. 1.

² Akomolede I. 'Reflections on Alternative Dispute Resolution (ADR) as an Antidote to the Delay in Dispensation of Justice in Nigeria' in O. Oluduro *et al* (ed.), *Trends in Nigerian Law: Essays in Honour of Oba DVF Olateru-*

The above statement by Akomolede continues to remain the truth even almost a decade after his observation irrespective of the acknowledged developments in the court systems and rules in Nigeria today. Therefore, while the ever-growing claim on the need for Alternative Dispute Resolution (ADR)³ continue to be popular, accepted and relevant as part of the national and international legal systems⁴ there is emerging need to ensure that the use of ADR is targeted towards court decongestion.⁵

According to Taiwo,

*Judicial reform is necessary to ensure as far as possible that disputes are resolved in a manner that is acceptable to the parties. There should be put in place, a justice system that is no longer so daunting, uncertain or expensive so that ordinary people would have real access to justice. A system that saves time and deals with cases expeditiously and fairly is, therefore, advocated. It is in this regard that the court-connected mediation and court connected ADR recently brought in by reforms in the Rules of courts to afford the possibility of pre-trial settlement, among other things, are welcomed.*⁶

Olagbegi III (Ibadan: Constellation (Nig.) Publishers, 2007, pp. 482 – 492, 482.

³ For general reading on forms of ADR, see Hensler D. R., “Our Courts, Ourselves: How the Alternative Dispute Resolution Movement is Reshaping Our Legal System”, (2003)108 *PENN. ST. L. REV.* 165, 165–66 at 165–66; Leonard L. Riskin & James E. Westbrook, *Dispute Resolution and Lawyers* 2–6 (abr. 2d ed. 1998); *Developments in the Law—The Paths of Civil Litigation*, (2000)113 *HARV. L. REV.* 1752, 1851 (2000).

⁴ Shack J.E., *Saves What? A Survey of Pace, Cost, and Satisfaction Studies of Court-Related Mediation Programs*, Paper presented to the Mini-Conference on Court ADR 2(April 4, 2002); Silver, Carole, “Models of Quality for Third Parties in Alternative Dispute Resolution” (1996). Faculty Publications. Paper 566. (May 25, 2013). Available online at: <http://www.repository.law.indiana.edu/facpub/566>

⁵ See Taiwo E.A. ‘*The Principle Practice and Procedure of Civil Litigation in Nigeria*’ Ababa Press Ltd, Ibadan (First Edition, 2015) p. 28.

⁶ *Ibid.*

Unfortunately, while MDCH is fast developing in Nigeria particularly through integrating legislations, the effect of the application of these MDCH seems gradual. This is so, given the willingness of parties to use the various provided MDCH in resolving disputes before the court.

In the last decade, efforts such as incorporating ADR mechanisms into the court's systems among others had gone into expanding the traditional litigation system with a view to ensuring that disputes are resolved in lesser time.⁷ This had led to the featuring of integrated ADR mechanisms in the Rules of Court and even in certain instances, like the establishment of an ADR Centre using the Multi-Door Courthouse system, so that litigants are provided the opportunity to resolve their disputes amicably without necessarily reverting to litigation even in the courts.⁸

In a paper titled "The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander's Concept"⁹ the author having

⁷ *Ibid.*

⁸ For research on various MDCH in Nigeria, and the different platforms which are in operations see generally, the Multi-door Courthouse named the "Lagos Multi-door Courthouse 'LMDC'" which operates in as a public-private partnership arrangement between the Lagos State Judiciary, the United States Embassy (D & G Program) and, the Negotiation and Conflict Management Group (NCMG), has the backing of the Lagos State law "the Lagos Multi-door Courthouse Law and no doubt is the first CC-ADR Centre in Africa. Other platforms is found in the High Court of the Federal Capital Territory, i.e. the Abuja Multi-door Courthouse (AMDC) platform. This operates pursuant to Order 17 of the High Court Civil Procedure Rules of the Federal Capital Territory, 2004, provides for court referral to the ADR mechanisms of the court. The Borno Amicable Settlement Corridor (BASC) is funded through joint collaboration of the High Court of Justice, Borno State and the United Nations Office of Drugs and Crimes. In a way, it is similar to the AMDC in the Federal Capital Territory. Other court connected ADR centers in Nigeria include Kano Multi-door Courthouse (KMDC), Akure Multi-door Courthouse and others. Most of these centers are operated without a state law *per se*. The objectives of the Lagos State Multi-door Courthouse law are therefore commendable as its focus puts in a nutshell the overall idea of a multi-courthouse system.

⁹ Ajigboye O., "The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander's Concept" *Akungba Law Journal* (2013) Vol. 2 No.1 pp. 332 – 351.

examined the Lagos Multi-Door Courthouse structure, composition and system, had concluded as follows:

The legal framework by which the MDCH in Lagos is operated therefore is partially an arrangement made by the Government without a total commitment towards incorporating ADR mechanisms totally into the well-established court institution in Lagos State. This is the piloting example which is well known in Nigeria today and in West Africa generally. This structure continues to feature.¹⁰

The author again, argued that there is a need to re-examine the initial conception of MDCH as propounded by Professor Frank Sander in 1976 with a view to ensuring that the developing models in Nigeria meet with the standard thus achieving the desired result of reducing the time required in obtaining justice in our Courts today.¹¹ The author also observed as follows:

In teaching CC-MDCH therefore, there is a need to ensure that the students appreciate the concept of “Comprehensive Justice Center” as propounded by Professor Frank Sanders as this will lead to clarification of the initial idea and further encourage a full enquiry into the existing structures now in place in Nigeria. Also, this paper argues that ADR should have the same status as litigation in our legal system. The government should also view and take the need for establishing an institution for the resolution of disputes from a perspective that it is the State responsibility. Consequently, the state should ensure the facilitation of a new judiciary structure which can be perfectly described as a Comprehensive Justice Centre. The new structure should be an incorporation of the existing structure and ADR mechanisms. The Judiciary which

¹⁰ *Ibid.*

¹¹ *Ibid.*

deals with litigation should also provide ADR as an independent as means of resolving disputes. A major advantage of this is that ADR awards will not be subjected to appeals in courts of first instance which could have in the first place determined the matter through litigation.¹²

The introduction of ADR Centre (an MDCH system) in the NICN is a welcomed idea as the forward looking administration of the court had considered necessary to nip at its bud the same challenge that made litigation in the general court room undesirable – court delay in dispensation of justice as a result of overwhelming volume of cases before the courts. This is so given the existing MDCH structure and its challenges. The initiative of the NICN is supported by the Court of Appeal as Mediation Programme was introduced by the provisions in the Court of Appeal Rules, 2011, for mediation at this appellate level.¹³ The Court of Appeal Rules in a unique way now encourages parties to consider resolving their dispute even at the Appellate Court using an alternative to litigation.¹⁴ Consequently, any complaint from an Arbitration Award can be referred to the Court of Appeal for review by the Court of Appeal Mediation Programme (CAMP) by virtue of the provisions of the Court of Appeal Rules.¹⁵

The author of “The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander’s Concept” having reviewed the conception of the concept of MDCH in concluding, opined as follows:-

As it is today in Nigeria, litigation processes assume a superior position over ADR mechanisms and this is not desirable as it is a clog in the wheel of ADR mechanism as a Dispute Resolution system development. No doubt, the existing constitutional provisions in Nigeria

¹² *Ibid.*

¹³ See the provisions of Order 16 Court of Appeal Rules, 2011.

¹⁴ See the provisions of Order 16 Rule 3, Court of Appeal Rules, 2011.

¹⁵ *Ibid.*

supports to some extent the realization of a full-fledged CC-MDCH, however, there is a wide gap between litigation and Dispute Resolution. Therefore, there is a missing link between the conception of MDCH and the existing structures of MDCH in Nigeria and teaching Comprehensive Justice Center without an emphasis on the missing link. While the missing link is identified, it will further aid the transfer of Professor Frank Sander's knowledge and concept for expansion and clarification. The blurred perception of the initial conception of the concept MDCH will then project the fostering of the development of the real Comprehensive Justice Centre.¹⁶

About 2 years later, the NICN keyed into the need to provide disputants with the opportunity of having several 'labelled' doors for the resolution of their disputes considering the fact that the volume of industrial relations and labour disputes remains a major source which adds volumes of files to the existing files before the specialized court created to resolve industrial dispute.

Therefore, this paper now examines the MDCH model of the NICN, and also carefully appraise the new features of the NICN MDCH model. The paper examines the salient features of the National Industrial Court ADR Instruments and Rules and compares it with the salient features of the existing Lagos State MDCH model.

2.0 NICN and Legal Developments

2.1 Constitutional Provisions

The NICN now clothed with constitutional provisions had being in existing over a period of 20 years prior to the Third Amendment of the Constitution of the Federal Republic of Nigeria, 1999,¹⁷ and it can now be argued rightly that the National

¹⁶ Ajigboye O., *Ibid.*

¹⁷ The National Industrial court was established in 1976 for the purpose of dealing with trade disputes and collective agreements by virtue of the

Industrial Court has the status of a Court of Record by virtue of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act.¹⁸ Also, appeals now lie from the NICN to the Court of Appeal.¹⁹ Ochem & Odiase noted one of the legal innovations of the National Industrial Court in 2012.²⁰ Under the provision of Section 9 (1) of the National Industrial Court Act, 2006, the decisions of the Court in civil and criminal matters are final and cannot be appealed. The necessary implications was that parties at the National Industrial Court are denied the right of Appeal to a higher court except in respect of the decisions of the court on issues of Fundamental Human Rights as stated in Chapter IV of the CFRN 1999.²¹

However, by virtue of Section 4 of the 3rd Alteration to the CFRN, 1999, the Court of Appeal now have the right to entertain appeals from the State High Court, Federal High Court and the National Industrial Court. This is so given the provisions of Section 240 of the Constitution as amended now reads:

Subject to the provisions of this Constitution, the Court of Appeal shall jurisdiction to the exclusion of any other court of law in Nigeria, to hear and determine appeals from the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja, Customary Court of Appeal of a State and from decisions of a court martial or other tribunals

provisions of Section 14 of the Trade Disputes Decree No. 7 of 1976. See also Taiwo E.A. *Op. cit.* at 68.

¹⁸ See the provisions of Act No. 3, 2010 which was eventually assented to by the President, Federal Republic of Nigeria on 4th March, 2011.

¹⁹ See the provisions of Section 5(b) (2) - (4) of the Third Alteration Act, 2010.

²⁰ See Ochem C. & Odiase P. 'Emerging trends in Labour Law and Industrial Relations in Nigeria' in Nigerian Association of Law Teachers 2012 (eds.) Lagos, Bismot Global Concept.

²¹ See the provisions of Section 9(2) of the National Industrial Court Act, 2006, and Section 240 of the CFRN 1999. Section 240 of the CFRN, 1999 provides for the Appellate jurisdiction of the Court of Appeal while Section 241 and 242 provide for the Right of Appeal from the Federal High Court to the Court of Appeal.

as may be prescribed by an Act of the National Assembly.

Also, Section 5(a) of the 3rd Alteration to the CFRN 1999 amends the provision of Section 243 of the CFRN 1999 by inserting the word “National Industrial Court”. By this amendment, the Constitution confers on any party before the National Industrial Court a right of appeal from the decision of the Court to the Court of Appeal where such party is dissatisfied with the Court’s decision. This is in contrast to the provisions of Section 9(1) of the National Industrial Court, Act, 2006 which provides that subject to the CFRN 1999, no appeal shall lie from the decisions of the National Industrial Court to the Court of Appeal except appeals in respect of questions of Fundamental Human Rights as contained in Chapter IV of the CFRN, 1999.

Also, subsections (2) – (4) of Section 243 of the CFRN 1999 as amended by the 3rd Alteration now read as follows:

- (2) An Appeal shall lie from the decision of the National Industrial Court as of right to the Court of Appeal on questions of fundamental right as contained in Chapter IV of this Constitution as it relates to matters upon which the National Industrial Court has jurisdiction.*
- (3) An Appeal shall only lie from the decision of the National Industrial Court to the Court of Appeal as may be prescribed by an Act of the National Assembly; Provided that where an act or Law prescribes that an appeal shall lie from the decisions of the National Industrial Court to the Court of Appeal, such appeal shall be with the leave of the Court of Appeal.*
- (4) without prejudice to the provisions of Section 254C(5) of this Act, the decision of the Court of Appeal in respect of any appeal arising from any civil jurisdiction of the National Industrial Court shall be final.*

Apart from the issue of right of appeal from the National Industrial Court that was laid to rest, another issue resolved by the 3rd

Amendment is the status, power, and jurisdiction of the National Industrial Court.²²

2.2 Alternative Dispute Resolution Mechanisms

In 2015, barely six years after the provisions of the Third Alteration of the Constitution of the Federal Republic of Nigeria, 1999, provided the NICN with a platform to cater for industrial and labour issues in Nigeria, the National Industrial Court under the leadership of Honourable Justice B.A. Adejumo, again, introduced a much desired ADR concept – the NIC Alternative Dispute Resolution Centre by virtue of Article 2 of the Alternative Dispute Resolution (ADR) Centre Instrument,²³ which came into being on 6 April, 2015. The ADR Centre also has a practice direction.²⁴

3.0 The NICN Multi-Door Courthouse Model

Prior to 2015, the existing Multi-door Courthouse systems in Nigeria was operated on different platforms.²⁵ The Law No. 21,

²² Whilst the Trade Disputes (Amendment) Decree 1992, conferred on the National Industrial Court the status of a Superior Court of Record, and the exclusive jurisdiction in entertaining industrial disputes, the Constitution of the Federal Republic of Nigeria, (Third Alteration) Act, 2010 laid to rest the remaining issues on the composition, establishment, status of the National Industrial Court and its Judges and more importantly, the jurisdiction of the court.

²³ Article 2—Establishment

(1) There is hereby established an Alternative Dispute Resolution Centre in the premises of the National Industrial Court of Nigeria, hereinafter referred to as “the Centre”.

²⁴ See Article 1—Application

(1) Without prejudice to the powers of the Industrial Arbitration Panel (IAP), established pursuant to Section 9(2) of the Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria, 2004 (as amended by the National Industrial Court Act, 2006), these provisions shall apply to the ADR Centre established pursuant to Section 254C (3) of the 1999 Constitution of the Federal Republic of Nigeria (as amended by the Third Alteration Act, 2010.)

²⁵ The Multi-door Courthouse named the “Lagos Multi-door Courthouse ‘LMDC’” commenced in Lagos was established on 11th June, 2002, with a public-private partnership arrangement between the Lagos State Judiciary, the United States Embassy (D & G Program) and, the Negotiation and

Lagos State Government Official Gazette No. 56 of 3rd August, 2007, established a MDCH with the following objectives: - 2 (a) enhance access to justice by providing alternative mechanisms to supplement litigation in the resolution of disputes; (b) minimize citizen frustration and delays in justice delivery by providing a standard legal framework for the fair and efficient settlement of disputes through Alternative Dispute Resolution (ADR); (c) serve as the focal point for the promotion of Alternative Dispute Resolution in Lagos State; and (d) promote the growth and effective functioning of the justice system through Alternative Dispute Resolution methods. It is the first CC-ADR Centre in Africa. This MDCH was unique and different from the platform found in the High Court of the Federal Capital Territory, i.e. the Abuja Multi-door Courthouse (AMDC) platform given that the AMDC was provided for based on the Rules of Court.²⁶

*Order 17 of the High court of the Federal Capital Territory, Abuja provides as follows:-
Alternative Dispute Resolution*

- a. A Court or Judge, with the consent of the parties, may encourage settlement of any matter(s) before it, by either: 1. Arbitration 2. Conciliation 3. Mediation; or 4. Any other lawfully recognized method of dispute resolution.*

Conflict Management Group (NCMG), a non-profit private organization. This effort was however, on 18th May, 2007, backed up by a state law as the Lagos State House of Assembly, subsequently passed into law “the Lagos Multi-door Courthouse Law”.

²⁶ The ADR mechanisms are incorporated into the court system and process for adjudication of justice through the provisions of the Rules of the Court. This is a profound development in that the court by its rules now provides a court annexed center which applies the ADR mechanisms. The AMDC’s objective is to enhance a user-friendly access to justice by providing timely and cost effective access to justice which reduce or eliminate citizen frustration. It must be noted that the AMDC is an integral part of the Federal Capital Territory Judiciary, as Order 17 of the High Court Civil Procedure Rules of the Federal Capital Territory, 2004, provides for court referral to the ADR mechanisms of the court.

Another MDCH similar to the existing structure in Abuja is the Borno Amicable Settlement Corridor (BASC). It is also a Court-Connected Centre funded through joint collaboration of the High Court of Justice, Borno State and the United Nations Office of Drugs and Crimes. This is in addition to other court connected ADR centers in Nigeria include Kano Multi-door Courthouse (KMDC), Akure Multi-door Courthouse and others.

Most of these centers are operated without a state law *per se*.²⁷ The features of the Lagos State Multi-door Courthouse law had hitherto been commendable as its focus puts in a nutshell the overall idea of a multi-courthouse system. Indeed, an appraisal of the existing structures reveals that there is a fundamental goal which is the incorporation of ADR mechanisms into the traditional litigation processes. However, the present features of the National Industrial Court Alternative Dispute Resolution Centre depart from the existing system of MDCH in Nigeria. The structure of the National Industrial Court is therefore examined.

3.1 Structure of the National Industrial Court ADR Centre

3.1.0 Personnel of the Centre, Conditions of Service and Organogram

Article 3 of the Instrument provides a clear condition of service for the personnel of the National Industrial Court ADR centre. The officers of the National Industrial Court ADR Centre are members of staff of the Court who are deployed from amongst the members of staff of the Court employed or such officers appointed by the Federal Judicial Service Commission in accordance with the statutory requirements and directives of the Commission. Consequently, the same conditions of service applies to the members of staff of the Centre and the members of staff of the Court.²⁸

Personnel of the Centre includes:

²⁷ See Ajigboye O., “The Concept of Multi-Door Courthouse in Nigeria: Rethinking Sander’s Concept” *Akungba Law Journal* (2013) (Volume 2. No.1) pages 332 – 351, 339 – 340.

²⁸ See Art. 3, National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

- a. President of the Court or a Judge of the Court.
- b. Chief Registrar of the Court.
- c. The Director of the Centre.
- d. The Deputy Director of the Centre.
- e. The Assistant Director of the Centre.
- f. The Registrar of the Centre.
- g. The Deputy Registrar of the Centre.
- h. The Assistant Registrar of the Centre.
- i. The Centre Manager.
- j. The Assistant Centre Manager.

It is also submitted that an ADR Officer is also a personnel of the ADR Centre and also a personnel of the National Industrial Court ADR Centre. However, the ADR officer is not a judicial officer thus not eligible to perform any judicial function. The ADR Officer's functions is purely mediatory and conciliatory.²⁹ An ADR Officer is also expected to be a neutral party. Therefore, an ADR Officer is saddled with the responsibility of disclosing any information which may likely affect his neutrality in the matter assigned to him for mediation or conciliation.³⁰ The President of the National Industrial Court may remove or replace an ADR Officer handling a cause or matter, on the ground of non-neutrality or incompetence, negligence, misconduct or breach of any provisions of the Code of Conduct for Judicial employees.³¹

3.1 Administrative Structure of the ADR Centre

The National Industrial Court ADR Centre for all intent and purposes is established as an annexure to the National Industrial Court. In a way while its administrative functions and organogram differs from the existing Court structure, its

²⁹ See Art. 31, National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

³⁰ See Art. 33, National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

³¹ See Art. 34, National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

administrative and managerial structure is fused with the court structure. The Headquarters of the Centre is deemed to be existing within the premises of the Headquarters of the Court in the Federal Capital Territory, Abuja.³²

The proviso to Article 2, provides as follows:

Provided that any building or premises or appurtenances, designated by the President of the Court as an Alternative Dispute Resolution Centre shall be regarded as being established within the premises of the Court.

(b) Notwithstanding the provision of sub-paragraph (a) of this paragraph, the President of the Court may designate any of the buildings within the premises of any of the Divisions of the Court to serve as a temporary Headquarters of the Centre.

Also for administrative convenience, the ADR Centres are established in various zones within the nation

Article (3) (2)(a) provides that:

Without prejudice to the powers of the President of the Court to designate the ADR Centres in any part of the Federation there shall be established ADR Centres in each of the zones, which shall be located at the Judicial Divisions indicated as follows:

- (i) North-Central Zone: Abuja ADR Centre situate in Abuja Judicial Division,*
- (ii) North-East Zone: Gombe ADR Centre situate in Gombe Judicial Division,*
- (iii) North-West Zone: Kano ADR Centre situate in Kano Judicial Division,*
- (iv) South-East Zone: Enugu ADR Centre situate in Enugu Judicial Division,*
- (v) South-South Zone: Warri ADR Centre situate in Warri Judicial Division,*

³² See Art. 2 (2) (a), National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

(vi) *South-West Zone: Ibadan ADR Centre situate in Ibadan Judicial Division.*

The *proviso* to the provisions of Article 3(2)(a) takes care of an anticipated situation of distance of the ADR centres within a particular Zone. The NICN Article provides that the Director of the Centre in consultation with the President of the Court may direct that session(s) for mediation or conciliation may be held at any of the States within any of the component States that made up the Zone. This encourages parties' convenience of the NICN ADR proceedings.

3.2 Funding Model/Structure of the National Industrial Court ADR Centre

The Funding structure of the NICN MDCH is particularly unique as the ADR Centre is funded from the National Industrial Court's budget. Article 8 provides that "the Capital and Recurrent expenditures of the Centre shall be incurred from the Budget of the Court" while (4)(a) states that "the Director and staffers of the Centre and other independent service providers to the Centre shall be paid their salaries, allowances, fees and other entitlements, as the case may be from the budget of the Court."

The implication of this provision under the National Industrial Court of Nigeria Alternative Dispute Resolution (ADR) Centre Instrument, 2015, is that the available Door for resolution of disputes among disputants will be funded indirectly by the Federal Government of Nigeria. This is far reaching in that the Government through the National Industrial Court of Nigeria, therefore, is the first Court in Nigeria which takes up the funding of the all-time privately funded ADR and MDCH in Nigeria. While this development is at its infant stage, it is highly commendable.

3.3 Line of Authority under the NICN MDCH

The President of the NICN is the overall head of the Court and the ADR Centre. This is a unique innovation as all the activities with the court and the centre and properly coordinated by

the President. Art. 3 (12) provides that the President of the Court may assign and designate an Assistant Chief Registrar or any other Officer of equivalent rank in the Court may assign and designate an Assistant Chief Registrar or any other Officer of equivalent rank in the Court as the Deputy Director of the Centre while the Court while the Deputy Director of the Centre is responsible for the supervision and coordination of the administration and activities of the Zonal ADR Centres. The Deputy Director also take instructions from the Director of the Centre who is responsible for the development, promotion and day to day running of the administration of the Centre.

Director of the Centre takes instructions from the President or the Judge as the case may be. The ADR officer, the Centre Registrar, Deputy Registrar and Assistant Registrar, Centre Manager, Assistant Centre Manager, are all employee of the Court and their line of authority is clearly stated in the Instrument establishing the ADR Centre.

4.0 The Mandate of the National Industrial Court ADR Centres

The mandates and functions of the Alternative Dispute Resolution Centre is to apply Mediation or Conciliation technique in the settlement of disputes between or amongst parties and ensure the enhancement of the resolution of employment, labour and industrial relations disputes within the jurisdiction of the court. The ADR Centre is also saddled with the responsibility of facilitating a quick, efficient and equitable resolution of disputes with the aim of minimizing, reducing, mitigating and eliminating the volume of caseload before the court, the cost of litigation. The Centre is to provide standard Alternative Dispute Resolution framework for fair, efficient, fast and amicable settlement of disputes which will assist disputants in the resolution of their disputes without acrimony or bitterness.

5.0 Pros of the NICN ADR Centre Model

NICN Judges are greatly relieved from the basic pre-trial (ADR session's activities). The ADR activities which sums up the

pre-trial in the court session was in addition to the judges' judicial functions. Also, funding of the NICN ADR model is catered for through the budget of the National Industrial Court of Nigeria. Consequently, the ADR Centres are to be funded by the State. Mediators, negotiators, (ADR Officers) are paid by the State. This arrangement is now similar to the state arrangement which caters for the salaries and other emoluments of judicial officers who in turn are saddled with the responsibility of dispensing justice on behalf of the State. The National Industrial Court ADR Centre provides alternative doors to the traditional litigation door which literally exists in the National Industrial Court structure. Therefore, the National Industrial Court now have a functional MDCH. It is also important to note that the ADR sessions under the National Industrial Court of Nigeria ADR Rules is faster as the sessions can now be concluded within 21 working days with a grace period of another 10 working days with the leave of the President of the Court.³³ Technically, the National Industrial Court has now adopted the ADR mechanism as a tool or means of resolving disputes which the state can then incorporate into the existing systems in the High Courts. A major advantage of the National Industrial Court ADR Centre model is that it has technically removed the mandatory or compulsory need to first approach the court or use ADR before litigation commences. The National Industrial Court ADR Centre Rules model allows parties to freely decide and in deserving cases, the Rules empowers the court to refer cases to the ADR Centre. This is novel as parties are now given ample opportunity to determine how their disputes should be resolved.

6.0 Cons of the National Industrial Court ADR Centre Models

The National Industrial Court ADR Centre is still subjected to the litigation system in that the line of authority and system of dispensation of justice is still directly linked with litigation. This is against the existing independent arbitrator's powers to take

³³ See Art. 4 (26), National Industrial Court of Nigeria Alternative Dispute Resolution Instrument, 2015.

decisions in an arbitration matter without the influence of a judicial officer. A major disadvantage is that the National Industrial Court ADR does not provide for the use of Arbitration as a mechanism. The National Industrial Court ADR Rules limits the applicable mechanisms under the Rules to mediation and negotiation. While it may not be deemed an oversight in excluding arbitration, this exclusion cannot be justified given the importance of arbitration as a means of dispute resolution. By virtue of the National Industry of Court of Nigeria Alternative Dispute Resolution Centre Instrument, 2015, and the Rules of the ADR Centre, the combine provisions of Articles 4 and 10 and Order 4 Rules 3, it is important to note that disputants at the NICN may not be able to use arbitration as a means of resolving their disputes. The implication of this restriction is as follows:-

1. Parties are pre-empted from the use of ADR given that there is no such door for the resolution of disputes between the parties before the court.
2. Agreement which had hitherto incorporated on Arbitration Clause as against mediation or Conciliation therefore may be subjected to an external or independent arbitration or an institutional arbitrator. The decision of such arbitral award. Therefore would be subjected to an appeal at the NICN and subsequently parties may end up spending more time before the court in resolving their disputes.

An examination of the Abuja MDCH shows that it is possible to provide for litigants Arbitration as a door for dispute resolution. This is so, given the provisions of the Abuja MDCH Arbitration Procedure Rules, 2003 which deems the Rules to be part of the arbitration agreement of the parties once parties subject themselves to the jurisdiction of the MDCH.

7.0 Conclusion and Recommendation

The integration of the MDCH concept into the Rules of the NICN is a unique conception. It is currently a development on the

existing MDCH concept within the Nigerian Legal System. It has in a way provided a new dimension to the funding, appointment and management of dispute resolution through ADR mechanisms within the existing litigation system which had always been funded by the government.

The National Industrial Court of Nigeria ADR Centre is a giant stride in the positive direction. It has practically provided disputants with an effective MDCH structure which permits parties to choose their desired means of resolving disputes without reverting the largely private arrangement of Institutional Alternative Dispute Resolution. This model has the effect of reducing the workload and the files in the dockets of the Court. Thus, this model of MDCH is recommended to the National Judicial Council, and all other stakeholders saddled with the responsibility of actualizing reforms in the High Court system today as this would practically add the desired value to resolving disputes with a reasonable time frame of one judicial year maximum. Other courts with civil jurisdictions are therefore encouraged to incorporate this unique MDCH model in their system of administration of justice. The Court of Appeal Mediation Programme (CAMP) should also be strengthened to receive appeals from the lower courts ADR Centre. This again will further reduce the time now required in prosecuting an appeal as the CAMP can now look into such matter. The duties of the judges at the lower courts can be reduced to sealing the decisions of the ADR Centre, and the Officers of the CAMP also review the Arbitration Awards or issues which are not settled by the lower Arbitration panels. This will also enable CAMP to perform such judicial functions at the Appellate level without necessarily listening to parties or taking testimonies all over again. This would drastically reduce the time and efforts put into resolving disputes which often amounts to re-litigation. Indeed, parties who are not willing to comply with their duties under ADR centre Rules can then be mandated to do the needful in ensuring the speedy resolution of matter before the court. The National Industrial Court ADR Centre model is therefore a development in our judicial system. This development has followed the introduction of the

CAMP at the Court of Appeal however, much is desired in this regards as the High Courts and other Superior Courts can now take a leaf from the National Industrial Court ADR Centre structures with a view to ensuring the time involved in dispute resolution in Nigeria is practically saved.