



## The evolution of arbitration: How technology is revolutionizing dispute resolution

Abubakar Sadiq Usman Esq

Department of Public and Private Law, Yobe State University, Damaturu, Nigeria

### Abstract

Arbitration has undergone a revolution thanks to the integration of Legal Technology, which has improved efficiency with tools like virtual hearings, case management software, and electronic filing systems. This shift was sped up by the COVID-19 epidemic, which made companies adjust to working remotely and going digital. This has caused a change in emphasis towards the potential of technology to transform the arbitration process, providing ease, cost-effectiveness, and time efficiency while resolving issues with data protection, cybersecurity, and the legal recognition of e-arbitration agreements. This essay examines the development of arbitration by providing a historical synopsis, outlining the significance of early arbitration in Nigeria and globally, and then analysing the contemporary legal frameworks that facilitate online arbitration. It emphasizes Nigeria's Arbitration and Mediation Act (AMA) 2023, which provides a comprehensive structure for online arbitration and aligns with global standards. Additionally, the role of international conventions like the New York Convention and the UNCITRAL Model Law in the recognition of digital arbitration agreements is examined. With the rise of Online Dispute Resolution (ODR), the arbitration landscape is rapidly evolving, providing parties the ability to resolve disputes across borders without physical presence. The paper highlights the advantages of online arbitration, such as neutrality, reduced costs, enhanced accessibility, and environmental benefits, alongside the challenges posed by cybersecurity concerns and the need for consistent legal updates to accommodate digital technologies. While Nigeria has made significant strides, including legislative reforms, the study acknowledges the need for continued advancements to address gaps in internet infrastructure and legal frameworks. Ultimately, online arbitration presents a viable, flexible, and efficient alternative to traditional dispute resolution methods in the digital age.

**Keywords:** Arbitration, legal technology, online dispute resolution, e-arbitration, cybersecurity, arbitration and mediation act, 2023, UNCITRAL model law, New York convention, Nigeria, legal framework

### Introduction

The dispute resolution landscape has undergone a significant transformation in recent years, driven by the rapid evolution of Legal Technology (LegalTech). Sophisticated tools such as electronic filing systems and case management software have streamlined processes, reduced manual labour and increased efficiency. The COVID-19 pandemic has further accelerated this shift, as businesses adapt to a new reality of remote operations and digitalization. As a result, the role of technology in dispute resolution has come into sharp focus, enabling the continuation of dispute resolution processes amidst unprecedented challenges. This convergence of technology and dispute resolution has paved the way for a revolution in arbitration, transforming the way disputes are resolved and setting the stage for a new era of innovation and progress.<sup>[1]</sup> The rapid advancement of innovation-driven technologies has profoundly impacted dispute resolution, particularly arbitration. These technologies offer numerous benefits, including cost-effectiveness, time efficiency, and the ability to facilitate online processes such as electronic filing, evidence collection, and remote hearings. However, they also present challenges that require attention, including the validity of e-arbitration agreements and e-awards, as well as concerns surrounding cybersecurity and data protection. This analysis suggests that the emergence of new technologies presents an opportunity to establish a new, long-lasting standard for arbitration, transforming the way disputes are resolved.<sup>[2]</sup> The adoption of technology in arbitration is limited by the need for legal recognition of essential instruments, including arbitration agreements and

awards.<sup>[3]</sup> These instruments are subject to formal requirements, such as written form and signatures, which were established in a less technologically advanced era. As technology progresses, it is crucial to reassess these requirements and consider whether they can be adapted for digital use. Given the New York Convention's enduring success, which has precluded amendments, innovative solutions must be found within the current legal framework to overcome the constraints imposed by outdated formalities.<sup>[4]</sup>

Since the dawn of time, mankind has engaged in arbitration in some capacity. It can be said to have a prehistoric origin.<sup>[5]</sup> According to Redfern and Hunter, the idea of arbitration as a method of resolving disputes originated as the practice of arbitration that naturally occurs in primitive bodies of law. After courts have been established by the state and recourse to them has become the natural method of resolving disputes, the practice continues because the parties to a dispute want to settle them with less formality and expense than is involved in a recourse to the court.<sup>[6]</sup> According to a French author, arbitration appears to be a crude form of conflict resolution since it involves submitting to regular people whose only qualification is that they were picked by the parties.<sup>[7]</sup> Mustill points out that it is simple to picture how unsophisticated the arbitral procedure was in its early days. When two traders disagreed over the cost or quality of the items provided, they would resort to a third party they trusted for his judgement. Alternatively, if two dealers disagreed about damaged goods, they would accept the other trader's conclusion as the last word.<sup>[8]</sup> It must have been a thing from the beginning of

business. In order for commerce to be effective, there must be alternatives to using force to resolve disagreements. It had to have entailed a neutral decision from the beginning, as well as a tacit or explicit agreement to abide by the outcome, supported by some sort of consequence. Adjudication and mediation must have merged at some point; thus, it must have had many different forms. The tale is now irretrievably gone. Anyone who tries to get solid information on in the present incidence and types of arbitrations will quickly realise that it is hard to piece together the specifics, even for historical eras. Private dispute settlement has always been a private resolution.<sup>[9]</sup>

### The early history of arbitration

Arbitration is not a brand-new idea in Nigeria. Conflicts were settled using alternative dispute resolution techniques like arbitration. Our indigenous customary law has always included extrajudicial conflict resolution. Courts will recognise and enforce these agreements as long as they meet specific criteria.<sup>[10]</sup> Every community in what the Federal Republic of Nigeria is now has its own extrajudicial dispute resolution procedure with a standardised procedure and formula. Akpata, JSC (of blessed memory), asserts that the Anglo-Saxons, the Romans, and really every community that ever existed under the sun used arbitration, mediation, or conciliation in some capacity to settle disputes in the past is factual.<sup>[11]</sup> However, Nigeria became a part of the British Empire and subject to English law with the onset of colonialism by the British and the subsequent union of Southern Nigeria and Northern Nigeria in 1914.<sup>[12]</sup> The Arbitration Ordinance 1914, which was based on the English Arbitration Act 1889, was the first official legislation on arbitration to be published for the entire nation on December 31, 1914.<sup>[13]</sup> The Arbitration Ordinance Act, Laws of the Federation of Nigeria and Lagos, 1958, was subsequently passed after the first ordinance was repealed. The Northern, Western, Eastern, and Southern Cameroons Regions, which at the time made up Nigeria, all legally accepted and incorporated this law. Keep in mind that the Arbitration Ordinance Act of 1958 only permitted domestic or local arbitration.<sup>[14]</sup> Nigeria did not ratify the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly referred to as the "New York Convention" relating to international commercial arbitration until the Arbitration and Conciliation Decree, 1988, which took effect on March 14th. It is important to note at this point that Nigeria had ratified the New York Convention prior to the 1988 Act, and that the provisions of the Foreign Judgement (Reciprocal Enforcement) Act Laws of the Federation of Nigeria No. 31 of 1960 were the only ones that permitted the enforcement of foreign arbitral awards in international arbitrations conducted outside of Nigeria, provided, among other things, that they were registered in a High Court in Nigeria.<sup>[15]</sup> Even though the Arbitration and Conciliation Decree of 1988 was late in being passed, it is surprising to learn that a lot of Nigerian businesses and notable lawyers got their start in local and international commercial arbitration outside of the country. The establishment of several professional bodies, including the Chartered Institute of Arbitrators (Nigeria), Association of Professional Negotiators and Mediators, and Nigerian Institute of Chartered Arbitrators (NICArb), demonstrates how active arbitration practice and other alternative dispute resolution methods are today in Nigeria.<sup>[16]</sup> Additionally,

there are several institutions for conflict settlement that have robust clientele. To mention some among the many that existed all over the country, for instance, the Abuja Multi-Door Court, Lagos Multidoor Court House, Borno Settlement Corridor and Kaduna Multidoor Court House.

The United States and Great Britain were pioneers in the use of arbitration to resolve their differences. It was first used in the Jay Treaty of 1795 negotiated by John Jay, and played a major role in the Alabama Claims case of 1872 whereby major tensions regarding British support for the Confederacy during the American Civil War were resolved. At the First International Conference of American States in 1890, a plan for systematic arbitration was developed, but not accepted. The Hague Peace Conference of 1899 saw the major world powers agreed to a system of arbitration and the creation of a Permanent Court of Arbitration. Arbitration was widely discussed among diplomats and elites in the 1890-1914 era. The 1895 dispute between the United States and Britain over Venezuela was peacefully resolved through arbitration. Both nations realised that a mechanism was desirable to avoid possible future conflicts. The Olney-Pauncefote Treaty of 1897 was a proposed treaty between the United States and Britain in 1897 that required arbitration of major disputes. The treaty was rejected by the U.S. Senate and never went into effect.<sup>[17]</sup>

Similarly, alternative dispute resolution forum at international level can be traced back from the period of Renaissance when Catholic Popes acted as arbitrators in conflicts between European countries. One of the successful examples of such mechanism is the international mediation conducted by former U.S. President Jimmy Carter in Bosnia.<sup>[18]</sup> ADR has given fruitful results not only in international political arena but also in international business world in settling commercial disputes among many corporate houses for e.g. Settlement of an outstanding commercial dispute between General Motors Co. and Johnson Matthey Inc., which had been pending in US District Court since for a few years. It is not new; society's world over has long used non-judicial, indigenous methods to resolve conflicts. What is new is the extensive promotion & proliferation of ADR models, wider use of Court annexed ADR, & increasing use of ADR as a tool to realise goals broader than the settlement of specific disputes. The ADR movement in the United States was launched in 1970's, beginning as a social movement to resolve community wide civil rights disputes through mediation and as a legal movement to address increased delay and expense in litigation arising from an overcrowded court system. In 1980's demand for ADR in commercial sector began to grow as part of an effort to find more efficient and effective alternatives to litigation. ADR is essentially an attempt to settle legal disputes by private efforts as opposed to their resolution by courts or other authorities. ADR appears in incipient forms in the cultural history of several countries. In India, we have had the system of village elders, called Panchas, chosen by villagers, resolving disputes by common consent.<sup>[19]</sup> The Native American tribes had peace councils, which resolved disputes by a process that had remarkable similarity to present day ADR techniques. George Washington's Will is said to have contained a clause that disputes touching the estate should be resolved by arbitration. In Europe, the roots of ADR go back to the thirteenth century, when community disputes were resolved by ADR techniques in Medieval France. The Chinese used

mediation to resolve personal disputes for nearly 2000 years.<sup>[20]</sup>

The biggest steppingstone in the field of International ADR is the adoption of UNCITRAL (United Nation Commission on International Trade Law) model on international commercial arbitration. An important feature of the said model is that it has harmonised the concept of arbitration and conciliation to designate it for universal application. The General Assembly of UN also recommended to its member countries to adopt this model in view to having uniform laws for ADR mechanism. Other important international conventions are The Geneva Protocol on Arbitration clauses of 1923, The Geneva Convention on the Execution of Foreign Award, 1927 and The New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Award etc.<sup>[21]</sup>

### The use of technology

The COVID-19 pandemic has accelerated the widespread adoption of technology across various aspects of life, transforming the way we interact, work, and conduct economic activities. The pandemic's unprecedented disruption of global economies and societal norms has necessitated a swift shift towards digital solutions. The rapid digital transformation has been driven by the need for remote work, social distancing, and contactless interactions. For instance, video conferencing platforms like Zoom and Microsoft Teams have experienced exponential growth, with Zoom's daily active users increasing from 20 million to 200 million between December 2019 and March 2020.<sup>[22]</sup> In the same vein, e-commerce has witnessed a significant surge, with online sales increasing by 25% in 2020 compared to the previous year.<sup>[23]</sup> This trend is expected to persist, with a projected 14.9% annual growth rate in e-commerce sales from 2020 to 2023.<sup>[24]</sup> The pandemic has also spurred innovation in digital payments, with contactless transactions becoming the new norm. Mobile payment platforms like Apple Pay, Google Pay, and PayPal have seen significant adoption, with a 29% increase in contactless payments in the United States alone.<sup>[25]</sup> Furthermore, the pandemic has accelerated the adoption of telemedicine and online healthcare services, with a 50% increase in telehealth visits in the United States between March and April 2020.<sup>[26]</sup>

In the judicial sphere, courts have had to adapt rapidly to ensure continuity of justice. Many courts have implemented virtual hearing systems, enabled remote participation and reduced the need for physical appearances.<sup>[27]</sup> For instance, the UK Courts and Tribunals Service reported a 50% increase in remote hearings between March and April 2020.<sup>[28]</sup> In response to the COVID-19 pandemic, Nigeria's judiciary implemented measures to ensure continuity of justice. Notably, the Chief Judge of Lagos State introduced the Lagos State Judiciary Remote Hearing of Cases Practice Direction, which took effect on May 4, 2020. This directive enabled the remote hearing of urgent and time-sensitive cases via electronic platforms such as Zoom, Skype, or other approved video conferencing tools. Other states in Nigeria followed Lagos' lead, adopting similar remote hearing practices to mitigate the pandemic's impact on the justice system. By leveraging technology, the judiciary aimed to minimize disruptions and maintain access to justice despite the challenges posed by COVID-19.<sup>[29]</sup> The pandemic has also transformed the dispute resolution landscape, with

arbitration being no exception. The shift to online arbitration has become more pronounced, with institutions like the International Chamber of Commerce (ICC) and the London Court of International Arbitration (LCIA) implementing virtual hearing protocols.<sup>[30]</sup> The use of technology in arbitration has improved efficiency, reduced costs, and enhanced accessibility. Electronic filing systems, virtual hearing platforms, and online dispute resolution tools have streamlined the arbitration process.<sup>[31]</sup> A survey by the Chartered Institute of Arbitrators (CIArb) found that 71% of respondents believed technology had improved the efficiency of arbitration proceedings.<sup>[32]</sup> However, the increased reliance on technology also raises concerns about cybersecurity, data protection, and digital evidence authenticity.<sup>[33]</sup> The International Council for Commercial Arbitration (ICCA) has emphasized the need for robust cybersecurity measures to protect sensitive information.<sup>[34]</sup> According to a recent survey report released by the Singapore International Dispute Resolution Academy (SIDRA), experts identified the most valuable technology tools in resolving cross-border commercial disputes.<sup>[35]</sup> The top three tools ranked by respondents were:

1. Electronic discovery (eDiscovery) platforms, enabling efficient document management and review.
2. Virtual hearing platforms, facilitating remote proceedings and streamlining dispute resolution.
3. Analytical tools for selecting judges, arbitrators, mediators, and counsel, promoting informed decision-making.

These findings highlight the growing importance of technology in enhancing the efficiency and effectiveness of cross-border dispute resolution. The rise of Online Dispute Resolution (ODR) has transformed the dispute resolution landscape, offering unparalleled flexibility and convenience. Singapore's State Courts have pioneered this effort with the Community Justice and Tribunals system, enabling online resolution of small claims, community, and employment disputes. This innovative platform allows parties to file, manage, and mediate cases online, significantly expediting dispute settlement. While ODR is not a new concept, its full potential remains untapped. To unlock ODR's benefits, ongoing enhancements are crucial. Integrated digital filing and case management systems, secure encrypted video-conferencing platforms, blockchain technology for decentralized dispute resolution, and advanced tools for non-verbal communication in online mediation are key areas for development. By prioritizing these advancements, ODR can continue to revolutionize dispute resolution, enhancing accessibility, efficiency, and user experience.<sup>[36]</sup>

The COVID-19 pandemic has catalysed a technological revolution, transforming the way we live, work, interact, judicial system, dispute resolution, and arbitration. As we navigate this new reality, it is essential to recognize the opportunities and challenges presented by this rapid digital transformation.

The rise of online technology has transformed the dispute resolution landscape, enabling parties to resolve conflicts across borders without physical presence. Online arbitration platforms facilitate seamless communication and negotiation, regardless of geographical location. Online Dispute Resolution (ODR) harnesses information technology to enhance alternative dispute resolution methods. By leveraging the internet, ODR builds upon the

advantages of Alternative Dispute Resolution (ADR), including efficiency, party control, and cost-effectiveness. As a natural extension of ADR, ODR inherits its benefits while offering additional advantages. The strategic deployment of technology amplifies these benefits, positioning ODR as a preferred dispute resolution mechanism in the digital age.<sup>[37]</sup> The internet has enabled the development of Online Dispute Resolution (ODR), a cutting-edge approach to conflict resolution. ODR has become a go-to forum in advanced regions, offering a seamless and efficient alternative to traditional dispute resolution methods. As globalization fuels the growth of international business, disputes increasingly transcend borders. Conventional methods, such as litigation, are often plagued by delays and excessive costs. In response, Alternative Dispute Resolution (ADR) has become the preferred choice. The internet's ubiquity has now given rise to Online Dispute Resolution (ODR), particularly online arbitration, offering a swift and cost-effective solution for global business disputes.<sup>[38]</sup> Online dispute resolution has only one over-arching feature: it takes place online. Again, online dispute resolution encompasses many forms of ADR and court proceedings that incorporate the use of the internet, web sites, email communications, streaming media and other information-technology as part of the dispute resolution process.<sup>[39]</sup> Disputes in the business sphere can be categorized into business-to-business (B2B) and business-to-customer (B2C) conflicts. Litigation, due to its slow pace, is rarely the preferred resolution path. Commercial arbitration has garnered significant traction, providing a private forum with a neutral arbiter chosen by the parties. This process culminates in a binding decision, akin to a judicial ruling. Online arbitration mirrors traditional arbitration in its adversarial structure yet diverges in its online communication framework and increased emphasis on non-binding arbitration. Unlike conventional arbitration, which yields enforceable awards, online arbitration often facilitates non-binding resolutions.<sup>[40]</sup>

### Benefits of online arbitration

Online arbitration offers numerous advantages to parties involved in disputes, primarily due to its ability to transcend geographical boundaries.<sup>[41]</sup> Key benefits include:

1. **Neutrality:** The internet provides a neutral platform for dispute resolution, eliminating biases associated with physical locations.
2. **Convenience and Cost-Effectiveness:** Online arbitration eliminates the need for travel, reducing expenses and logistical challenges. Audio and video conferencing capabilities enable remote meetings and hearings.
3. **Efficiency and Timesaving:** Online international arbitration streamlines dispute resolution for electronic commerce and other disputes. Parties can initiate and defend claims electronically, accessing websites and submitting forms online.

Additional advantages of online arbitration include:

1. **Automated Document Management:** Web-based systems enable instant document submission, regardless of distance or location, at minimal cost.

2. **Flexibility:** Submissions can be reviewed from anywhere, at any time, using automated document management systems.
3. **Enhanced Speed:** Online arbitration accelerates the dispute resolution process, ensuring timely resolutions.
4. **Increased Accessibility:** Online platforms provide equal access to dispute resolution, regardless of geographical location.
5. **Environmental Benefits:** Reduced travel and physical documentation minimize the environmental impact of arbitration.

The merits of online arbitration position it as a significant advancement in international arbitration. With the support of international commercial arbitration rules, online arbitration has the potential to become a preferred dispute resolution method, overcoming traditional barriers and obstacles. Online arbitration's neutrality fosters a fair and impartial dispute resolution environment. By eliminating travel requirements, parties save time, resources, and costs associated with physical arbitration. The efficiency and speed of online arbitration are particularly beneficial for electronic commerce disputes, where timely resolution is crucial. Automated document management systems further streamline the process, enabling parties to access and review submissions effortlessly. As online arbitration continues to evolve, its potential to transform international dispute resolution is substantial. By leveraging technology and overcoming geographical constraints, online arbitration offers a convenient, cost-effective, and efficient alternative to traditional arbitration methods.

### Legal framework for online arbitration

Online arbitration, also known as e-arbitration, has emerged as a vital mechanism for resolving disputes in the digital era. The integration of technology into traditional arbitration processes has given rise to electronic communication, online hearings, and digital documentation. This development necessitates a comprehensive legal framework to govern online arbitration, ensuring procedural fairness, enforceability, and adherence to international standards.<sup>[42]</sup> The increasing global adoption of online arbitration has not left Nigeria behind. Nigeria has embraced the use of technology in dispute resolution, particularly through the Arbitration and Mediation Act (AMA) 2023, which regulates arbitration proceedings. Although the Act is relatively new and still gaining acceptance, it has significantly shaped the legal landscape for e-arbitration. This section aims to provide an overview of the Nigerian legal framework governing online arbitration and highlight some of the international frameworks that regulate this field.

#### 1. The arbitration and mediation act (AMA) 2023

Establishes a modern legal framework that explicitly supports online arbitration in Nigeria. It recognizes the use of electronic communication for arbitration agreements, hearings, and submissions, aligning with global best practices.<sup>[43]</sup> The Act upholds party autonomy, allowing parties to agree on conducting arbitration proceedings online, including video conferencing and digital document exchanges.<sup>[44]</sup> Additionally, it ensures that awards from

online arbitration are enforceable in Nigerian courts, just like traditional awards.<sup>[45]</sup> It also emphasizes data security and confidentiality, mandating protection of electronic records and communications throughout the arbitration process.<sup>[46]</sup> The AMA 2023 promotes efficiency, flexibility, and accessibility in arbitration, making it a comprehensive legal framework for online dispute resolution.

## 2. Evidence act 2011

The Nigerian Evidence Act 2011 plays a significant role in supporting online arbitration by recognizing electronic documents and communications as admissible evidence. Section 84 of the Act provides that electronic records, including emails, digital agreements, and recordings of online hearings, are admissible in arbitration proceedings, provided certain conditions regarding authenticity and reliability are met.<sup>[47]</sup> This provision ensures that documents and communication exchanged during online arbitration can be relied upon and used effectively.

## 3. Cybersecurity and data protection regulations

One of the critical concerns in online arbitration is data privacy and cybersecurity. Given the digital nature of the process, it is vital to ensure that the arbitration proceedings are secure, and the parties' sensitive data is protected. Given the digital nature of online arbitration, data security is a critical issue. In Nigeria, data protection is governed by the Nigeria Data Protection Regulation (NDPR) 2019, which aims to protect the privacy of individuals and ensure secure handling of personal data.<sup>[48]</sup> Online arbitration platforms operating in Nigeria must comply with the NDPR, ensuring that sensitive data related to arbitration proceedings is protected from unauthorized access or breaches.<sup>[49]</sup> Additionally, the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 imposes penalties for cybercrimes such as hacking, which could compromise the integrity of online arbitration proceedings.<sup>[50]</sup>

The General Data Protection Regulation (GDPR) in the European Union, for example, mandates stringent data protection measures that must be adhered to during online arbitration.<sup>[51]</sup> Similarly, institutions like the International Chamber of Commerce (ICC) have issued guidelines on the use of information technology in arbitration to enhance security and confidentiality.<sup>[52]</sup>

## 4. Nigerian courts' approach to online arbitration

Nigerian courts have shown a growing willingness to support arbitration proceedings, including those conducted online. In the case of *Statoil (Nigeria) Ltd v. NNPC*<sup>[53]</sup>, the Nigerian Supreme Court upheld the enforcement of an arbitral award, stressing the importance of party autonomy in arbitration. Although this case did not involve online arbitration, it demonstrates the courts' inclination to respect and enforce arbitral agreements and awards, even when modern technologies are involved.

## 5. Lagos court of arbitration (LCA) virtual arbitration guidelines, 2020

In 2020, the Lagos Court of Arbitration (LCA) introduced guidelines for virtual arbitration proceedings, enabling the use of video conferencing and electronic document submission. This development aligns with the trend of online dispute resolution (ODR) across global arbitration

institutions and enhances Nigeria's capacity for e-arbitration.<sup>[54]</sup>

## 6. Institutional support for online arbitration

The Lagos Court of Arbitration (LCA) and the Regional Centre for International Commercial Arbitration (RCICA) are two key institutions supporting online arbitration in Nigeria. The LCA has developed a set of rules and guidelines that explicitly allow for online arbitration, including virtual hearings and electronic submissions of documents.<sup>[55]</sup> These rules are in line with global best practices and are supported by technology platforms that ensure secure and efficient arbitration processes. The London Court of International Arbitration (LCIA) and the International Centre for Dispute Resolution (ICDR) allow for fully virtual proceedings, from the submission of documents to the final hearings. These institutions have updated their procedural rules to reflect the growing demand for online arbitration, incorporating provisions for electronic submissions, online hearings, and the use of digital platforms.<sup>[56]</sup>

## 7. The new york convention 1958

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) is the cornerstone of international arbitration, including online arbitration. It mandates the recognition and enforcement of arbitral awards made in other signatory states, provided certain conditions are met. Article II of the Convention underscores the validity of written arbitration agreements, which can extend to digital agreements signed electronically, thus supporting the use of online arbitration platforms in international disputes.<sup>[57]</sup> The adaptability of the New York Convention to online arbitration has been debated. Although the Convention was created long before the rise of online arbitration, its principles have been extended to cover modern practices. Courts in several jurisdictions have upheld arbitral awards made through online platforms, citing the Convention's requirement to enforce awards regardless of the medium used.<sup>[58]</sup>

The enforceability of arbitral awards rendered through online arbitration has been upheld in various jurisdictions. Courts have recognized that the format of arbitration, whether conducted in person or online, does not affect the binding nature of an award, provided that due process has been observed. In *Cable and Wireless plc v. IBM United Kingdom Ltd*<sup>[59]</sup>, the High Court of Justice in England enforced an arbitral award where the proceedings were conducted primarily online, affirming that electronic arbitration is valid under English law.<sup>[60]</sup>

## 8. Uncitral model law on international commercial arbitration

The United Nations Commission on International Trade Law (UNCITRAL) Model Law, adopted in 1985 and amended in 2006, provides a comprehensive framework for international arbitration. While it does not specifically address online arbitration, its broad principles of fairness, neutrality, and due process apply. Article 7 of the Model Law, which permits the use of electronic communication for arbitration agreements, has been interpreted to include online platforms for arbitration.<sup>[61]</sup>

## 9. Electronic communications and uncitral model law on electronic commerce

The UNCITRAL Model Law on Electronic Commerce (1996) and the UNCITRAL Model Law on Electronic Signatures (2001) further enhance the legal framework for online arbitration. These instruments recognize the legal validity of electronic communications and signatures, which are fundamental in online arbitration proceedings. Article 11 of the Model Law on Electronic Commerce affirms that contracts, including arbitration agreements, cannot be denied legal effect solely because they were concluded electronically.<sup>[62]</sup>

The legal framework for online arbitration is largely built on existing domestic and international arbitration laws and principles, such as those mentioned above. These instruments, combined with modern rules on electronic communication and institutional adaptations, ensure that online arbitration is a viable and enforceable method for resolving disputes in the digital age. Nevertheless, issues such as data security and compliance with national privacy regulations must be continually addressed to maintain the integrity of the process. Despite the progress made in Nigeria, online arbitration still faces certain challenges, including limited access to reliable internet and concerns over cybersecurity. Moreover, the existing legal framework, while adaptable, requires further updates to explicitly accommodate all aspects of online arbitration. However, the ongoing reforms, including the Arbitration and Mediation Act (2023), signal positive prospects for the future of online arbitration in Nigeria. Nigeria's legal framework for online arbitration is steadily evolving, driven by the coming into force of AMA 2023, the new Act and supplementary legislation on electronic evidence and data protection, the increasing support from Nigerian courts and arbitration institutions further strengthens the foundation for online arbitration, positioning Nigeria as a growing hub for modern dispute resolution in Africa.

### Conclusion

The COVID-19 pandemic has expedited this change, which has significantly altered the arbitration field and the conflict resolution landscape in general due to the incorporation of legal technology. With the help of cutting-edge legal frameworks and contemporary technology, online arbitration has become a vital tool for quickly, cheaply, and internationally resolving conflicts. The emergence of online dispute resolution (ODR) and the increasing uptake of electronic arbitration platforms have created new opportunities that have improved the accessibility and ease of arbitration procedures. Online arbitration has several benefits, such as neutrality, reduced costs, and easier document management; yet there are still issues with data privacy, cybersecurity, and bringing legal documents up to date with contemporary technology. Nigeria has exhibited its dedication to adopting online arbitration by enacting the Arbitration and Mediation Act (AMA) 2023, thereby conforming to global norms. This legislation, alongside supportive laws such as the Evidence Act 2011 and data protection regulations, ensures that online arbitration is legally recognized and enforceable within the Nigerian context. As global commerce increasingly transcends borders, Nigeria's legal and institutional framework positions it as a growing hub for modern dispute resolution, offering a promising future for online arbitration. However,

continued reforms and technological advancements are necessary to address existing challenges. Ultimately, the evolution of arbitration in the digital age promises to shape the future of dispute resolution, providing a more efficient, accessible, and flexible alternative to traditional methods.

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