

Commercial arbitration in nigeria after the arbitration and mediation Act 2023: Challenges, reforms and future directions

Uke Uke Igbe

Department of Public Law, Faculty of Law, University of Calabar, Nigeria

Abstract

Arbitration has become the preferred mechanism for resolving commercial disputes because of its flexibility, confidentiality, party autonomy and enforceability. This article critically evaluates the extent to which the Arbitration and Mediation Act 2023 addresses institutional, judicial and procedural challenges affecting arbitration practice in Nigeria. Using doctrinal and comparative legal methods, it analyses the evolution of arbitration, contemporary challenges, comparative perspectives, the impact of the 2023 Act and proposes reforms for strengthening Nigeria's arbitration ecosystem.

Keywords: Arbitration, arbitration and mediation Act 2023, commercial arbitration, Nigeria, ADR, arbitral awards

Introduction

Arbitration has become one of the most influential mechanisms for resolving commercial disputes in both domestic and international commerce. The rapid expansion of cross-border investment, international trade, and complex commercial relationships has significantly increased the demand for dispute resolution mechanisms that are efficient, confidential, flexible, and capable of producing legally enforceable outcomes. Unlike conventional litigation, arbitration allows disputing parties to resolve their disagreements through a neutral tribunal of their own choosing while avoiding many of the procedural rigidities associated with court proceedings. These characteristics have made arbitration the preferred dispute resolution mechanism in many commercial contracts across the world. Nigeria has experienced considerable growth in arbitration practice over the past three decades, largely due to increased commercial activities, foreign investment, infrastructure development, and the expansion of international business transactions. This development reflects the global recognition that effective dispute resolution mechanisms are essential for economic growth, investor confidence, and commercial certainty. The enactment of the Arbitration and Mediation Act 2023, which repealed the Arbitration and Conciliation Act 2004, represents one of the most significant reforms in Nigeria's arbitration regime. The new legislation substantially incorporates internationally accepted arbitration principles, particularly those reflected in the UNCITRAL Model Law, while introducing innovations intended to improve efficiency, reduce judicial interference, and strengthen the enforcement of arbitral awards.

Despite these legislative reforms, arbitration practice in Nigeria continues to encounter significant practical and institutional challenges. Although the legal framework has evolved considerably, the effectiveness of arbitration is frequently undermined by delays in enforcement proceedings, inconsistent judicial attitudes towards arbitral awards, high costs of proceedings, inadequate institutional capacity, limited public awareness, and procedural uncertainties in both domestic and international arbitration. These challenges affect the confidence of commercial parties, discourage foreign investment, and reduce Nigeria's

competitiveness as an arbitration-friendly jurisdiction within Africa.

The effectiveness of any arbitration system depends not only upon the quality of its legislation but also upon the willingness of courts to respect party autonomy, the competence of arbitration institutions, the professionalism of arbitrators, and the predictability of award enforcement. While Nigeria has made substantial legislative progress, practical implementation continues to lag behind international best practices. Consequently, questions remain regarding the extent to which the Arbitration and Mediation Act 2023 has addressed longstanding deficiencies within Nigeria's arbitration framework.

Although previous studies have examined arbitration generally, much of the existing literature has focused primarily on explaining statutory provisions or discussing the enforcement of arbitral awards in isolation. Comparatively fewer studies have undertaken a comprehensive evaluation of the practical challenges affecting arbitration practice following the enactment of the Arbitration and Mediation Act 2023 while simultaneously assessing the prospects for strengthening Nigeria's arbitration landscape through comparative lessons drawn from leading arbitration jurisdictions.

This article therefore critically examines the contemporary challenges confronting arbitration practice in Nigeria within the context of the Arbitration and Mediation Act 2023. It analyses the legal and institutional obstacles affecting the efficiency of arbitration, evaluates the extent to which recent legislative reforms respond to these challenges, and identifies practical reforms capable of strengthening Nigeria's position as a preferred centre for commercial arbitration in Africa. The study further argues that legislative reform alone cannot guarantee an effective arbitration system without corresponding improvements in judicial practice, institutional development, professional capacity building, and stakeholder awareness.

The article adopts a doctrinal legal research methodology by examining relevant statutory provisions, judicial authorities, scholarly literature, international instruments, and comparative experiences from selected arbitration-friendly jurisdictions. Through this approach, the study contributes to the growing body of scholarship on Nigerian arbitration

by moving beyond descriptive analysis towards a critical assessment of the practical realities shaping contemporary arbitration practice.

Research Methodology

This study adopts a doctrinal legal research methodology, which is the predominant research approach in legal scholarship. Doctrinal research involves the systematic examination, interpretation, and critical analysis of legal rules, statutory provisions, judicial decisions, and established legal principles with the objective of evaluating the effectiveness of the existing legal framework governing arbitration practice in Nigeria. The methodology is particularly appropriate because the study is concerned primarily with analysing the legal and institutional framework regulating arbitration rather than collecting empirical data from arbitration practitioners or disputing parties.

The research draws extensively on both primary and secondary legal sources. Primary sources include the Constitution of the Federal Republic of Nigeria 1999 ^[2] (as amended), the Arbitration and Mediation Act 2023, relevant international conventions, particularly the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention 1958) ^[3], applicable procedural rules, and judicial decisions of Nigerian courts concerning arbitration and the enforcement of arbitral awards. These sources provide the legal foundation for assessing the operation and effectiveness of Nigeria's arbitration regime.

Secondary sources comprise scholarly books, peer-reviewed journal articles, law reports, conference papers, policy documents, and other authoritative academic materials on arbitration, alternative dispute resolution, and international commercial arbitration. Recent literature is incorporated to ensure that the discussion reflects contemporary developments in arbitration law and practice following the enactment of the Arbitration and Mediation Act 2023 ^[1].

In addition to doctrinal analysis, the study adopts a comparative legal approach by examining selected arbitration-friendly jurisdictions, including the United Kingdom, Singapore, and Switzerland. These jurisdictions have been chosen because they possess well-developed arbitration systems, supportive judicial frameworks, and internationally recognised arbitration institutions. The comparative analysis is intended not merely to describe foreign legal systems but to identify practical lessons capable of strengthening arbitration practice in Nigeria while recognising the country's unique legal, institutional, and socio-economic environment.

The study further employs a critical analytical approach rather than a purely descriptive examination of statutory provisions. Instead of merely explaining the contents of the Arbitration and Mediation Act 2023 ^[1], the article evaluates the extent to which the legislation addresses longstanding challenges affecting arbitration practice, including judicial intervention, enforcement of arbitral awards, institutional capacity, procedural efficiency, and party autonomy. Relevant judicial authorities and scholarly opinions are critically examined to identify areas where legislative reforms have been successful as well as aspects requiring further institutional or judicial improvement.

Although empirical methods such as interviews and questionnaires may provide valuable insights into the

experiences of arbitration practitioners, such methods fall outside the scope of this article. The doctrinal approach is considered sufficient for achieving the objectives of the study because the principal focus is the interpretation, evaluation, and development of legal principles governing arbitration practice and the enforcement of arbitral awards in Nigeria.

Accordingly, the methodology provides a comprehensive analytical framework through which the effectiveness of Nigeria's contemporary arbitration regime may be assessed against both domestic legal objectives and internationally accepted standards of commercial arbitration.

The Evolution of Arbitration Practice in Nigeria Historical Development of Arbitration

Arbitration is not a recent innovation within the Nigerian legal system. Long before the introduction of English common law, various indigenous communities across present-day Nigeria had developed customary mechanisms for the peaceful settlement of disputes. These traditional systems relied on respected elders, family heads, traditional rulers, and community councils to resolve conflicts through dialogue, reconciliation, and consensus-building. Unlike formal court proceedings, customary arbitration emphasized restoring social harmony and preserving relationships within the community. Decisions reached through these processes were generally accepted voluntarily because they were rooted in communal values, customary norms, and social legitimacy.

The advent of British colonial administration fundamentally transformed Nigeria's dispute resolution landscape. Following the amalgamation of the Northern and Southern Protectorates in 1914, English legal principles were gradually introduced into the country, including formal arbitration legislation modelled after the English Arbitration Act of 1889. The Arbitration Ordinance of 1914 became Nigeria's first comprehensive statutory framework governing arbitration and subsequently formed the foundation upon which later arbitration legislation developed.

Although the 1914 legislation introduced greater legal certainty into arbitration proceedings, its principal focus remained domestic arbitration. As international commerce expanded after Nigeria's independence, the limitations of the colonial framework became increasingly apparent. Commercial disputes involving foreign investors required a modern arbitration regime capable of accommodating international commercial transactions and facilitating the recognition and enforcement of foreign arbitral awards.

A significant milestone occurred with the enactment of the Arbitration and Conciliation Decree 1988, later codified as the Arbitration and Conciliation Act, Cap A18, Laws of the Federation of Nigeria 2004. The legislation represented Nigeria's formal adoption of many principles contained in the UNCITRAL Model Law on International Commercial Arbitration and strengthened the country's commitment to international commercial dispute resolution. It also reinforced Nigeria's obligations under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), thereby improving the enforceability of foreign arbitral awards within Nigerian courts.

Despite these legislative developments, practical challenges continued to undermine arbitration practice. Judicial

inconsistency, procedural delays, uncertainties surrounding the enforcement of arbitral awards, and the absence of several modern arbitration mechanisms gradually exposed deficiencies within the 2004 legal framework. As international arbitration evolved rapidly across other jurisdictions, Nigerian arbitration law increasingly lagged behind global developments.

Recognising these deficiencies, the National Assembly enacted the Arbitration and Mediation Act 2023 ^[1], which repealed the Arbitration and Conciliation Act 2004. The enactment of the new legislation represents one of the most comprehensive reforms of arbitration law in Nigeria since independence. Beyond merely updating existing provisions, the Act introduces significant innovations intended to align Nigeria's arbitration framework with internationally recognised best practices while enhancing the country's attractiveness as a destination for commercial dispute resolution.

The Arbitration and Mediation Act 2023 ^[1]: A New Era

The Arbitration and Mediation Act 2023 ^[1] reflects Nigeria's deliberate effort to modernise its arbitration regime in response to the increasing complexity of domestic and international commercial transactions. The legislation incorporates several contemporary principles derived from the UNCITRAL Model Law and other internationally recognised arbitration instruments while responding to practical challenges that had emerged under the previous legal framework.

One of the most significant objectives of the Act is the reinforcement of party autonomy, a principle widely regarded as the cornerstone of modern arbitration. Subject to mandatory statutory safeguards, parties retain substantial freedom to determine the procedural rules governing their arbitration, select arbitrators possessing relevant expertise, choose the applicable substantive law, designate the seat of arbitration, and determine the language of the proceedings. Such flexibility distinguishes arbitration from litigation and enhances its suitability for complex commercial disputes.

The Act also strengthens the principle of limited judicial intervention. Modern arbitration recognises that excessive court interference undermines the efficiency and finality of arbitral proceedings. Consequently, the 2023 Act clearly identifies circumstances in which judicial intervention is permissible while preserving the independence of arbitral tribunals. Courts primarily perform supportive rather than supervisory functions by assisting in matters such as the appointment of arbitrators where parties fail to agree, granting interim protective measures where necessary, and recognising or enforcing arbitral awards in accordance with statutory requirements.

Another notable innovation introduced by the Act is the formal recognition of emergency arbitrators, an important development in international commercial arbitration. Commercial disputes often require urgent interim relief before the constitution of the full arbitral tribunal. The emergency arbitrator mechanism enables parties to obtain temporary protective measures capable of preserving assets, maintaining the status quo, or preventing irreparable harm pending the commencement of substantive arbitral proceedings. This development aligns Nigerian arbitration practice with leading international arbitration institutions and enhances the attractiveness of Nigeria as a potential arbitral seat.

Similarly, the Act expands the legal framework governing interim measures granted by arbitral tribunals and clarifies the conditions under which such measures may be recognised and enforced by Nigerian courts. These provisions enhance the practical effectiveness of arbitration by ensuring that parties are able to protect their commercial interests during the pendency of arbitral proceedings.

The legislation also introduces provisions relating to third-party funding of arbitration in certain circumstances, reflecting contemporary developments within international arbitration practice. By recognising evolving financing mechanisms, the Act potentially broadens access to arbitration, particularly for parties who might otherwise be unable to finance complex commercial proceedings.

Remaining Institutional Challenges

Although the Arbitration and Mediation Act 2023 ^[1] represents a substantial legislative achievement, statutory reform alone cannot guarantee an effective arbitration system. Experience from leading arbitration jurisdictions demonstrates that successful arbitration depends equally upon institutional capacity, judicial attitude, professional competence, and commercial confidence.

The effectiveness of any arbitration legislation ultimately depends upon consistent judicial interpretation and efficient implementation by courts and arbitration institutions. Consequently, while the 2023 Act significantly strengthens Nigeria's legal framework, many of the practical obstacles affecting arbitration remain institutional rather than legislative. Delays in judicial proceedings relating to enforcement applications, varying interpretations of public policy exceptions, inconsistent levels of arbitration expertise among legal practitioners, and limited public awareness continue to influence the effectiveness of arbitration in practice.

These realities suggest that Nigeria's arbitration reforms should be viewed not as the completion of legal development but as the beginning of a broader process of institutional transformation. Legislative reform provides the necessary legal foundation; however, its success ultimately depends upon the willingness of courts, arbitration institutions, legal practitioners, and commercial actors to embrace the principles of efficiency, party autonomy, and judicial restraint that underpin modern arbitration.

Accordingly, while the Arbitration and Mediation Act 2023 ^[1] represents a decisive step towards international best practice, a critical evaluation of the practical challenges confronting arbitration practice remains necessary. It is these challenges, rather than the legislative framework itself, that largely determine whether arbitration can effectively fulfil its role as a credible alternative to litigation within Nigeria's commercial justice system.

Contemporary Challenges of Arbitration Practice in Nigeria

The enactment of the Arbitration and Mediation Act 2023 ^[1] represents a significant milestone in the evolution of arbitration law in Nigeria. The legislation modernises the country's arbitration framework by incorporating internationally recognised principles intended to promote efficiency, party autonomy, and judicial support for arbitral proceedings. Nevertheless, legislative reform alone cannot guarantee the effectiveness of an arbitration system. The practical success of arbitration depends largely upon the

interaction between legal institutions, judicial practice, arbitration practitioners, commercial parties, and the broader legal environment within which arbitration operates.

Although arbitration has become increasingly popular in Nigeria's commercial sector, several practical and institutional challenges continue to undermine its effectiveness. Many of these challenges existed under the repealed Arbitration and Conciliation Act and remain evident despite the reforms introduced by the 2023 legislation. Consequently, understanding these obstacles is essential to evaluating whether Nigeria can successfully position itself as a competitive arbitration centre within Africa and the international commercial community.

Judicial Intervention and Inconsistent Judicial Attitudes

One of the most persistent challenges confronting arbitration practice in Nigeria is judicial intervention. Arbitration derives much of its attractiveness from the principle that parties voluntarily remove their disputes from the ordinary court system and submit them to an independent tribunal whose decision should ordinarily be final and binding. Excessive judicial interference therefore undermines one of arbitration's principal advantages.

Although Nigerian courts have increasingly demonstrated support for arbitration, judicial approaches have not always been consistent. In some cases, courts have adopted a pro-arbitration stance by respecting arbitration agreements and recognising the autonomy of arbitral tribunals. In others, however, courts have entertained applications that unnecessarily prolong arbitral proceedings or reopen issues already determined by arbitrators.

This inconsistency creates uncertainty for commercial parties. Businesses considering arbitration seek predictability and finality. Where judicial intervention becomes frequent or unpredictable, parties may perceive arbitration as merely an additional stage before eventual litigation rather than a genuine alternative dispute resolution mechanism.

The Arbitration and Mediation Act 2023 ^[1] attempts to minimise unnecessary judicial intervention by clearly identifying the limited circumstances under which courts may intervene. Nevertheless, the effectiveness of these statutory provisions ultimately depends upon consistent judicial interpretation and faithful application by the courts. Consequently, continued judicial education on modern arbitration principles remains essential for promoting investor confidence.

Challenges in the Recognition and Enforcement of Arbitral Award

The effectiveness of arbitration is measured not merely by the quality of arbitral proceedings but also by the ease with which arbitral awards can be recognised and enforced. A legally sound arbitration system loses much of its value if successful parties experience significant difficulty enforcing awards.

Nigeria has adopted internationally recognised mechanisms for enforcing arbitral awards, including its obligations under the New York Convention and the provisions contained in the Arbitration and Mediation Act 2023 ^[1]. However, practical challenges remain.

Applications challenging enforcement frequently rely upon allegations that an award violates public policy, exceeds the tribunal's jurisdiction, or involves procedural irregularities.

While such safeguards are necessary to protect fairness and due process, they can also become instruments for delaying compliance where unsuccessful parties pursue prolonged court proceedings.

Commercial confidence depends upon the certainty that valid arbitral awards will be enforced promptly. Consequently, courts should interpret the statutory grounds for refusing enforcement narrowly and consistently with international arbitration practice. A restrictive interpretation preserves both party autonomy and the finality that distinguishes arbitration from litigation.

Cost of Arbitration

Arbitration is frequently promoted as a less expensive alternative to litigation. In practice, however, this assumption is not always accurate, particularly in complex commercial disputes.

The financial cost of arbitration may include arbitrators' fees, institutional administrative charges, hearing facilities, legal representation, expert witnesses, transcription services, and travel expenses. International commercial arbitration may also require foreign counsel or internationally recognised arbitrators, substantially increasing the overall cost of proceedings.

For large multinational corporations these costs may be commercially justifiable. However, small and medium-sized enterprises often find arbitration financially burdensome. Consequently, parties who might otherwise benefit from arbitration may instead resort to litigation or abandon legitimate claims entirely.

The introduction of third-party funding under the Arbitration and Mediation Act 2023 represents an important step towards improving access to arbitration. Nevertheless, greater awareness of funding mechanisms and clearer regulatory guidance will be necessary before this innovation can significantly improve access to commercial justice.

Delay in Arbitral Proceedings

Speed is widely recognised as one of arbitration's principal advantages over litigation. Ironically, arbitration proceedings increasingly experience delays similar to those associated with court litigation.

Several factors contribute to procedural delay, including difficulties in appointing arbitrators, repeated requests for adjournments, jurisdictional objections, extensive documentary disclosure, scheduling conflicts among tribunal members, and post-award court proceedings. Where enforcement applications subsequently become contested before the courts, arbitration may ultimately consume almost as much time as conventional litigation.

The Arbitration and Mediation Act 2023 ^[1] introduces procedural mechanisms designed to improve efficiency, including provisions relating to emergency arbitration and interim measures. However, legislation alone cannot eliminate delays without corresponding improvements in case management by arbitral tribunals and greater cooperation among parties.

Modern arbitration increasingly emphasises active case management, procedural timetables, electronic hearings, and early identification of disputed issues. Wider adoption of these practices within Nigerian arbitration would significantly improve procedural efficiency.

Institutional Capacity and Professional Competence

An effective arbitration system depends upon competent institutions and highly skilled practitioners. Although Nigeria possesses several arbitration institutions and experienced practitioners, variations remain in institutional capacity, administrative efficiency, and professional training.

Some arbitral institutions continue to experience administrative delays, limited technological infrastructure, and inadequate resources for managing increasingly complex commercial disputes. Similarly, disparities exist in the experience and specialised expertise of arbitrators, particularly in highly technical sectors such as construction, energy, telecommunications, maritime law, and international investment arbitration.

Continuous professional development therefore remains essential. Arbitration increasingly requires expertise extending beyond legal knowledge to include commercial practice, project management, financial analysis, digital evidence, and international procedural standards. Strengthening institutional capacity will substantially improve confidence in Nigeria's arbitration system.

Limited Awareness and Preference for Litigation

Despite increasing recognition of arbitration within the legal profession, awareness among many businesses, entrepreneurs, and members of the public remains relatively limited. Many commercial parties continue to regard litigation as the default mechanism for resolving disputes, even where arbitration would provide a more efficient alternative.

This challenge is particularly evident among small and medium-sized enterprises that frequently enter commercial contracts without appreciating the significance of arbitration clauses. In some instances, parties agree to arbitration provisions without understanding their legal implications until disputes arise.

Expanding public awareness through professional bodies, chambers of commerce, business associations, universities, and legal education programmes would encourage wider utilisation of arbitration and reduce unnecessary dependence upon the already congested court system.

Balancing Finality with Judicial Oversight

Perhaps the most delicate challenge confronting modern arbitration concerns balancing the principle of finality with legitimate judicial oversight.

Arbitration is founded upon the expectation that arbitral awards should ordinarily be final. Excessive judicial review undermines efficiency and commercial certainty. Conversely, complete judicial abstention may permit procedural injustice or decisions obtained through fraud or serious irregularity.

The Arbitration and Mediation Act 2023 ^[1] attempts to strike this balance by limiting judicial review to exceptional circumstances involving procedural fairness, jurisdictional defects, public policy, and other clearly defined statutory grounds. Whether this balance is successfully maintained will depend largely upon judicial restraint and consistent interpretation of the Act's provisions.

The challenges confronting arbitration practice in Nigeria extend beyond legislative drafting. While the Arbitration and Mediation Act 2023 substantially modernises the country's arbitration framework, effective implementation

remains dependent upon institutional development, judicial consistency, professional competence, and commercial confidence. Addressing these practical challenges is essential if Nigeria is to realise its ambition of becoming a preferred seat for commercial arbitration within Africa.

The persistence of these obstacles does not diminish the significance of the 2023 reforms. Rather, it demonstrates that successful arbitration requires a holistic approach in which legislative innovation is complemented by institutional strengthening, judicial support, and continuous professional development. The next section therefore examines how leading arbitration jurisdictions have addressed similar challenges and identifies lessons capable of informing future reforms within Nigeria.

Comparative Perspectives: Lessons for Nigeria from Leading Arbitration Jurisdiction

One of the distinguishing characteristics of successful arbitration jurisdictions is not merely the existence of comprehensive arbitration legislation but the consistent interaction between supportive courts, efficient arbitral institutions, experienced practitioners, and a commercial culture that respects party autonomy. Comparative legal analysis therefore provides valuable insights into how Nigeria can strengthen its arbitration framework beyond legislative reform.

Although no arbitration system is entirely free from challenges, jurisdictions such as the United Kingdom, Singapore, and Switzerland have established international reputations as arbitration-friendly destinations through deliberate legal reforms, judicial consistency, and institutional excellence. Their experiences provide useful guidance for Nigeria, particularly in implementing the Arbitration and Mediation Act 2023 ^[1] and developing a more competitive arbitration environment.

The United Kingdom: Judicial Support and Commercial Certainty

The United Kingdom has long been recognised as one of the world's leading arbitration centres, with London serving as a preferred seat for international commercial arbitration. Much of this reputation derives from the Arbitration Act 1996, which was specifically designed to promote party autonomy while limiting unnecessary judicial interference.

A defining feature of English arbitration law is the judiciary's consistent respect for arbitration agreements. English courts generally refrain from intervening in arbitral proceedings except where expressly authorised by statute. Rather than competing with arbitration, the courts perform supportive functions by enforcing arbitration agreements, recognising arbitral awards, and assisting tribunals where judicial intervention is genuinely necessary.

This judicial philosophy has produced significant commercial certainty. Businesses entering arbitration agreements can reasonably predict that courts will uphold their contractual choices except in exceptional circumstances involving fraud, procedural unfairness, or jurisdictional defects.

Another important characteristic of the English system is the specialised commercial expertise of judges handling arbitration-related matters. The Commercial Court has developed considerable experience in arbitration law, resulting in relatively consistent judicial decisions that reinforce confidence among domestic and international investors.

For Nigeria, the principal lesson is not simply legislative reform but judicial consistency. Even the most progressive arbitration legislation cannot achieve its objectives where courts adopt unpredictable approaches to arbitration agreements or arbitral awards. Continued judicial training in modern arbitration principles would therefore significantly strengthen investor confidence.

Singapore: Institutional Excellence and Government Support

Over the past three decades, Singapore has transformed itself into one of the world's foremost arbitration hubs. This achievement has been driven by deliberate government policy, continuous legislative reform, and sustained investment in arbitration institutions.

The Singapore International Arbitration Centre (SIAC) has become one of the most respected arbitral institutions globally due to its administrative efficiency, transparent procedures, and ability to resolve disputes within commercially reasonable timeframes. The institution has embraced technological innovation, electronic case management, expedited procedures, and emergency arbitration mechanisms that enhance procedural efficiency.

Equally significant is Singapore's judiciary, which has consistently demonstrated a pro-arbitration philosophy. Courts generally interpret arbitration legislation in a manner that supports rather than frustrates arbitral proceedings. This judicial attitude has significantly reduced unnecessary litigation surrounding arbitration agreements and enforcement proceedings.

Singapore has also invested heavily in developing specialised arbitration expertise through legal education, professional training, and collaboration with international arbitration organisations. Consequently, the country now attracts arbitrators, legal practitioners, academics, and commercial parties from across the world.

Nigeria can draw several lessons from Singapore's experience. Investment in institutional capacity, digital case management systems, specialised arbitration training, and closer collaboration between government, universities, professional bodies, and arbitration institutions would significantly improve the effectiveness of arbitration practice.

Switzerland: Neutrality and Respect for Party Autonomy

Switzerland occupies a unique position within international arbitration due largely to its long-standing political neutrality and highly supportive legal environment. Swiss arbitration law places considerable emphasis on respecting the contractual intentions of disputing parties while minimising judicial interference.

Swiss courts rarely interfere with arbitral proceedings except where intervention is expressly authorised by law. More importantly, applications seeking to challenge arbitral awards are determined efficiently and according to clearly established legal principles. This predictability has contributed significantly to Switzerland's reputation as a preferred seat for international commercial arbitration.

Another notable feature of the Swiss arbitration system is procedural flexibility. Parties retain substantial freedom to determine procedural rules, appoint arbitrators possessing appropriate technical expertise, and tailor proceedings to the commercial realities of their dispute. Such flexibility

enables arbitration to respond effectively to increasingly specialised commercial sectors.

Nigeria's Arbitration and Mediation Act 2023 similarly recognises the importance of party autonomy. However, legislative recognition must be accompanied by consistent judicial interpretation that avoids unnecessary interference with procedural choices voluntarily made by commercial parties.

Comparative Lessons for Nigeria

The experiences of the United Kingdom, Singapore, and Switzerland demonstrate that successful arbitration systems are founded upon four interconnected pillars.

The first is judicial consistency. Courts must recognise arbitration as an independent dispute resolution mechanism rather than an extension of conventional litigation. Judicial intervention should remain exceptional and confined to clearly defined statutory grounds.

The second is institutional capacity. Effective arbitration requires efficient arbitral institutions capable of managing proceedings professionally, transparently, and within reasonable timeframes. Administrative efficiency contributes directly to commercial confidence.

The third is professional competence. Continuous education and specialised training for arbitrators, legal practitioners, and judges are essential for maintaining international standards of arbitration practice. Commercial disputes are becoming increasingly technical, requiring expertise that extends beyond traditional legal knowledge.

The fourth is governmental commitment. Leading arbitration jurisdictions have demonstrated sustained political support for arbitration through legislative reform, investment in institutional infrastructure, promotion of international arbitration conferences, and policies designed to attract cross-border commercial disputes.

Nigeria has already taken an important step through the enactment of the Arbitration and Mediation Act 2023 ^[1]. The next stage of reform should therefore concentrate on strengthening these institutional pillars rather than introducing further legislative amendments.

Nigeria's Competitive Position within Africa

Nigeria possesses significant comparative advantages that could enable it to emerge as one of Africa's leading arbitration centres. The country has one of the continent's largest economies, an active legal profession, a substantial commercial sector, increasing foreign investment, and widespread use of English in commercial transactions.

However, Nigeria faces increasing competition from jurisdictions such as South Africa, Rwanda, Kenya, Mauritius, and Egypt, all of which have invested considerably in developing modern arbitration systems. These countries actively market themselves as regional arbitration centres while continuously improving institutional efficiency and judicial support.

If Nigeria successfully implements the reforms embodied in the Arbitration and Mediation Act 2023 while simultaneously strengthening institutional capacity, promoting judicial consistency, and investing in professional development, it possesses considerable potential to become a preferred arbitration destination for West Africa and beyond.

Comparative analysis demonstrates that effective arbitration depends upon considerably more than modern legislation.

The experiences of leading arbitration jurisdictions consistently show that judicial restraint, institutional excellence, professional competence, and governmental commitment collectively determine the success of national arbitration systems.

Although the Arbitration and Mediation Act 2023 provides Nigeria with a modern legislative framework broadly consistent with international best practices, sustained institutional reforms remain essential if these legislative objectives are to be fully realised. Accordingly, the future success of arbitration in Nigeria will depend not only upon the quality of its legal framework but also upon the willingness of stakeholders to cultivate an arbitration culture characterised by efficiency, professionalism, predictability, and respect for party autonomy.

Evaluating the Impact of the Arbitration and Mediation Act 2023

The enactment of the Arbitration and Mediation Act 2023 marks one of the most significant developments in the evolution of Nigeria's commercial dispute resolution framework. By repealing the Arbitration and Conciliation Act 2004, the legislature sought to modernise arbitration law, align Nigeria more closely with international best practices, and strengthen the country's attractiveness as a destination for both domestic and international commercial arbitration.

While the enactment of the Act has been widely welcomed by legal practitioners, academics, and commercial stakeholders, the effectiveness of any legislative reform cannot be measured solely by the quality of its provisions. Rather, the true success of arbitration legislation depends upon its practical implementation, judicial interpretation, institutional acceptance, and commercial utilisation. This section therefore critically evaluates the extent to which the Arbitration and Mediation Act 2023 addresses the principal challenges confronting arbitration practice in Nigeria.

Strengthening Party Autonomy

One of the most notable achievements of the 2023 Act is the reinforcement of party autonomy, which remains the cornerstone of modern arbitration. Commercial parties are afforded considerable flexibility to determine the procedural framework governing their disputes, including the appointment of arbitrators, the applicable substantive law, the procedural rules, the language of proceedings, and the seat of arbitration.

This legislative emphasis reflects internationally accepted arbitration principles and significantly reduces unnecessary statutory restrictions on commercial parties. Greater procedural flexibility enables arbitration to accommodate the unique characteristics of complex commercial transactions while respecting contractual freedom.

Nevertheless, the practical value of party autonomy depends upon judicial willingness to respect agreements voluntarily entered into by commercial parties. Where courts frequently reinterpret or override procedural choices without compelling statutory justification, the legislative objective of promoting party autonomy becomes substantially weakened.

Consequently, while the Act provides a strong legal foundation for contractual freedom, consistent judicial restraint remains indispensable for achieving its intended objectives.

Limiting Judicial Intervention

Perhaps the most significant policy objective of the Act is the deliberate limitation of judicial interference in arbitral proceedings.

International arbitration has consistently recognised that arbitration cannot function effectively if courts routinely supervise every stage of the arbitral process. Excessive judicial intervention not only delays proceedings but also undermines commercial confidence by creating uncertainty regarding the finality of arbitral awards.

The Arbitration and Mediation Act 2023 therefore adopts a carefully balanced approach. Rather than excluding judicial involvement entirely, it identifies specific circumstances in which judicial assistance is appropriate, including the appointment of arbitrators where parties fail to agree, recognition and enforcement of arbitral awards, interim protective measures, and limited judicial review on narrowly defined statutory grounds.

This represents a substantial improvement over previous legislation because it clarifies the supportive rather than supervisory role of the courts.

However, legislation alone cannot eliminate judicial intervention. Much depends upon the interpretative philosophy adopted by judges. If courts continue to interpret statutory exceptions broadly, arbitration proceedings may remain vulnerable to prolonged litigation. Accordingly, specialised judicial training on contemporary arbitration principles should accompany legislative reform.

Improving Enforcement of Arbitral Awards

The enforceability of arbitral awards constitutes the ultimate test of any arbitration system. Parties agree to arbitrate because they expect that the resulting award will be recognised and enforced without unnecessary delay.

The 2023 Act significantly strengthens Nigeria's enforcement framework by harmonising domestic law with internationally recognised principles reflected in the New York Convention and the UNCITRAL Model Law. The legislation provides clearer procedures governing recognition, enforcement, and the limited circumstances under which enforcement may properly be refused.

These reforms substantially improve legal certainty. Nevertheless, practical difficulties remain. Applications challenging arbitral awards continue to rely upon concepts such as public policy, jurisdictional objections, or alleged procedural irregularities. While these safeguards perform important constitutional and procedural functions, they may also be exploited by unsuccessful parties seeking to postpone compliance.

Accordingly, judicial interpretation should continue to emphasise that refusal of enforcement represents an exceptional remedy rather than the ordinary consequence of post-award litigation.

Modernisation Through Emergency Arbitration and Interim Measure

One of the most innovative aspects of the Arbitration and Mediation Act 2023 is the introduction of provisions governing emergency arbitrators and interim protective measures.

Commercial disputes frequently involve circumstances requiring immediate intervention before the constitution of the arbitral tribunal. Assets may be dissipated, confidential information disclosed, contractual rights compromised, or evidence destroyed if temporary relief is unavailable.

The emergency arbitration provisions therefore represent an important advancement within Nigerian arbitration law. They bring Nigerian practice closer to procedures adopted by internationally recognised arbitral institutions and significantly improve the practical effectiveness of arbitration.

However, the effectiveness of these provisions depends upon awareness among practitioners and the willingness of courts to recognise and enforce emergency decisions where statutory conditions have been satisfied.

Recognition of Third-Party Funding

Another progressive feature of the 2023 Act is its recognition of third-party funding in arbitration.

Commercial arbitration frequently involves substantial financial commitments that may discourage otherwise meritorious claims. Third-party funding enables claimants to obtain financial assistance from independent funders in exchange for an agreed share of any eventual recovery.

This innovation promotes greater access to justice by reducing financial barriers to arbitration, particularly for small and medium-sized enterprises.

However, the emergence of third-party funding also raises important ethical considerations concerning transparency, disclosure obligations, conflicts of interest, and confidentiality. Future regulatory guidance may therefore be necessary to ensure that funding arrangements strengthen rather than undermine the integrity of arbitral proceedings.

Remaining Limitations of the Act

Although the Arbitration and Mediation Act 2023 introduces significant reforms, legislation alone cannot resolve every challenge affecting arbitration practice.

Several institutional obstacles remain beyond the scope of statutory intervention. These include inadequate arbitration infrastructure, limited public awareness, inconsistent professional standards, shortage of specialised arbitrators in highly technical fields, and delays associated with court enforcement proceedings.

Similarly, legislative reform cannot independently cultivate commercial confidence. Investors evaluate arbitration systems based not only upon legislation but also upon practical experience regarding efficiency, predictability, judicial consistency, and institutional competence.

Consequently, while the Act substantially modernises Nigeria's legal framework, its long-term success will ultimately depend upon implementation rather than legislative drafting alone.

Critical Assessment

From a broader policy perspective, the Arbitration and Mediation Act 2023 should be regarded as an enabling framework rather than a complete solution to Nigeria's arbitration challenges.

The legislation successfully aligns Nigerian arbitration law with internationally recognised principles, strengthens procedural flexibility, modernises enforcement mechanisms, and introduces several innovations previously absent from domestic legislation. These achievements represent substantial progress.

Nevertheless, the practical effectiveness of the Act depends upon complementary institutional reforms. Without consistent judicial interpretation, efficient arbitral institutions, continuous professional training, and increased

commercial awareness, many of the challenges identified earlier may continue despite legislative improvements.

Accordingly, the principal contribution of the 2023 Act lies not in eliminating every obstacle but in creating a modern legal foundation upon which future institutional development can be built.

The Arbitration and Mediation Act 2023 represents a decisive step towards modernising Nigeria's arbitration regime and enhancing its compatibility with international commercial practice. The legislation significantly strengthens party autonomy, clarifies the role of judicial intervention, modernises award enforcement, introduces emergency arbitration, and recognises emerging developments such as third-party funding.

However, effective arbitration extends beyond legislative reform. Institutional capacity, judicial consistency, professional competence, and commercial confidence remain equally important determinants of success. The Act should therefore be viewed as the beginning of a broader process of arbitration reform rather than its culmination.

Recommendations for Strengthening Arbitration Practice in Nigeria

The preceding analysis demonstrates that although the Arbitration and Mediation Act 2023 has substantially modernised Nigeria's arbitration framework, legislative reform alone cannot guarantee an efficient arbitration system. Sustainable improvements require complementary institutional, judicial, professional, and policy reforms that enhance both the credibility and effectiveness of arbitration practice. Accordingly, the following recommendations are proposed to strengthen Nigeria's arbitration regime and improve its competitiveness within the global arbitration community.

Strengthening Judicial Capacity and Consistency

The judiciary occupies a central position in the success of arbitration because courts ultimately determine issues relating to the enforcement of arbitration agreements, interim measures, and arbitral awards. While the Arbitration and Mediation Act 2023 limits judicial intervention, the practical effectiveness of these provisions depends upon consistent judicial interpretation.

Regular judicial training programmes should therefore be organised for judges handling arbitration-related matters. Such programmes should focus on contemporary international arbitration principles, comparative jurisprudence, enforcement standards under the New York Convention, and the philosophy of judicial restraint that underpins modern commercial arbitration.

The designation of specialised commercial or arbitration divisions within the High Courts and appellate courts would further promote consistency, reduce conflicting judicial decisions, and improve the speed of arbitration-related proceedings.

Strengthening Arbitration Institutions

Nigeria possesses several arbitration institutions that have contributed significantly to the development of alternative dispute resolution. However, increasing commercial complexity requires continuous institutional improvement.

Arbitration institutions should invest in modern case management systems, electronic filing platforms, virtual hearing technology, digital evidence management, and

expedited procedural frameworks capable of reducing unnecessary delays. Administrative efficiency should become a central performance objective for arbitration institutions.

Furthermore, greater collaboration between Nigerian arbitration institutions and internationally recognised organisations such as the Chartered Institute of Arbitrators (CI Arb), the London Court of International Arbitration (LCIA), and the Singapore International Arbitration Centre (SIAC) would facilitate knowledge transfer and promote the adoption of global best practices.

Continuous Professional Development

Commercial arbitration increasingly involves disputes arising from specialised sectors including construction, energy, oil and gas, telecommunications, maritime transport, intellectual property, and international investment. Effective resolution of such disputes requires arbitrators possessing both legal expertise and technical knowledge of the industries involved.

Professional bodies should therefore strengthen continuing professional development programmes through specialised certification courses, practical arbitration workshops, advanced advocacy training, and sector-specific arbitration education.

Universities should similarly integrate modern arbitration practice into postgraduate legal education, thereby producing future practitioners equipped to meet evolving commercial demands.

Promoting Public Awareness of Arbitration

Although arbitration has become increasingly recognised among legal practitioners and large commercial organisations, awareness remains relatively limited among small and medium-sized enterprises, entrepreneurs, and members of the wider business community.

Government agencies, chambers of commerce, professional associations, and arbitration institutions should collaborate to promote greater awareness of arbitration through seminars, business outreach programmes, public education campaigns, and simplified guidance materials explaining the advantages of arbitration over conventional litigation.

Increasing awareness would encourage commercial parties to incorporate well-drafted arbitration clauses into contracts and reduce unnecessary reliance upon litigation.

Encouraging Efficient Enforcement of Arbitral Awards

The credibility of arbitration depends substantially upon the certainty that valid arbitral awards will be recognised and enforced promptly. Accordingly, Nigerian courts should continue to adopt a restrictive interpretation of statutory grounds for refusing enforcement, particularly those relating to public policy.

Judicial practice should emphasise that applications seeking to set aside or resist enforcement of arbitral awards represent exceptional remedies rather than opportunities for dissatisfied parties to relitigate disputes already determined through arbitration.

Timely disposal of enforcement proceedings would significantly strengthen commercial confidence and reinforce Nigeria's reputation as an arbitration-friendly jurisdiction.

Enhancing Regional and International Cooperation

Nigeria occupies a strategic economic position within West Africa and possesses considerable potential to become a regional centre for commercial arbitration. Achieving this

objective requires greater engagement with international arbitration organisations and regional dispute resolution initiatives.

Participation in international arbitration conferences, collaborative research projects, exchange programmes, and institutional partnerships would expose Nigerian practitioners and institutions to emerging developments in international arbitration practice.

Closer cooperation with arbitration centres across Africa would also facilitate harmonisation of best practices and strengthen the continent's collective arbitration capacity.

Legislative Stability and Periodic Review

The enactment of the Arbitration and Mediation Act 2023 represents a substantial legislative achievement. However, arbitration law should continue to evolve in response to emerging commercial realities and international developments.

Rather than frequent legislative amendments, Nigeria should adopt a policy of periodic statutory review informed by practical experience, judicial decisions, academic scholarship, and stakeholder consultation. Such an approach would preserve legal certainty while ensuring that the arbitration framework remains responsive to technological innovation and evolving international practice.

Positioning Nigeria as Africa's Arbitration Hub

Nigeria possesses several competitive advantages capable of supporting its emergence as one of Africa's leading arbitration destinations. These include its large economy, active commercial sector, common law legal tradition, widespread use of English, and increasing participation in cross-border commerce.

To realise this potential, government should develop a comprehensive national arbitration strategy integrating legislative reform, institutional development, judicial training, infrastructure investment, international marketing, and professional capacity building.

Such a strategy would position arbitration as an integral component of Nigeria's broader commercial and investment policy while enhancing the country's attractiveness to both domestic and foreign investors.

The recommendations proposed in this article recognise that effective arbitration requires a holistic approach extending beyond legislative reform. Judicial consistency, institutional efficiency, professional competence, commercial awareness, and governmental commitment collectively determine the success of national arbitration systems.

The Arbitration and Mediation Act 2023 has established a modern legal framework capable of supporting world-class arbitration practice. The challenge now lies in translating legislative reform into practical institutional effectiveness. If these recommendations are implemented, Nigeria will be well positioned to strengthen commercial confidence, improve access to efficient dispute resolution, and establish itself as a leading arbitration centre within Africa and the broader international commercial community.

Implications for Policy and Future Research

Policy Implications

The findings of this study extend beyond the interpretation of the Arbitration and Mediation Act 2023 and have broader implications for commercial dispute resolution policy in Nigeria. While the enactment of the Act constitutes a

significant legislative achievement, the analysis demonstrates that sustainable improvements in arbitration practice require coordinated institutional, judicial, and administrative reforms

For policymakers, the study underscores the importance of viewing arbitration not merely as a legal mechanism but as an essential component of Nigeria's economic and investment infrastructure. An efficient arbitration system enhances investor confidence by providing businesses with predictable, confidential, and commercially oriented dispute resolution mechanisms. Consequently, reforms aimed at improving arbitration should be integrated into broader national strategies for improving the ease of doing business, attracting foreign direct investment, and strengthening commercial governance.

The study also highlights the need for increased governmental support for arbitration institutions through capacity-building initiatives, digital infrastructure, and collaboration with international arbitration organisations. Such investments would improve administrative efficiency while positioning Nigeria as a competitive arbitration destination within Africa.

Similarly, judicial policy should continue to promote specialised commercial adjudication and consistent application of arbitration principles. Continued judicial education would strengthen confidence in the enforcement of arbitration agreements and arbitral awards while reducing unnecessary judicial intervention

Professional regulatory bodies, including the Nigerian Bar Association, the Chartered Institute of Arbitrators (Nigeria Branch), and other relevant organisations, also have an important role to play in promoting continuing professional education and developing specialised arbitration expertise among legal practitioners.

Implications for Commercial Practice

The study equally carries important implications for commercial actors.

Businesses operating in Nigeria increasingly engage in transactions involving construction, infrastructure development, energy, telecommunications, maritime services, banking, insurance, and international trade. These sectors require dispute resolution mechanisms capable of preserving commercial relationships while producing enforceable outcomes within reasonable timeframes.

Commercial organisations should therefore adopt greater care when negotiating arbitration clauses. Properly drafted arbitration agreements should clearly specify the applicable arbitration rules, seat of arbitration, governing law, appointment procedures, language of arbitration, and enforcement mechanisms. Careful contractual drafting significantly reduces procedural disputes and improves the efficiency of arbitral proceedings.

The recognition of emergency arbitration and third-party funding under the Arbitration and Mediation Act 2023 further provides commercial parties with additional procedural tools capable of protecting business interests during complex disputes. Greater awareness of these mechanisms would improve access to arbitration, particularly for businesses with limited financial resources.

Implications for Legal Education

The findings of this study also suggest the need for continued reform within legal education

As arbitration increasingly replaces litigation in complex commercial disputes, universities should strengthen postgraduate instruction in arbitration law, international commercial arbitration, negotiation, mediation, and comparative dispute resolution.

Clinical legal education programmes should expose students to practical arbitration procedures, including arbitral drafting, award writing, advocacy before arbitral tribunals, and case management techniques. Such reforms would better prepare future practitioners for the evolving demands of commercial dispute resolution.

Professional training institutions should similarly expand specialised certification programmes that integrate legal theory with practical arbitration skills.

Directions for Future Research

Although this article adopts a doctrinal legal methodology, several important issues remain suitable for future empirical investigation.

First, future studies could examine the practical implementation of the Arbitration and Mediation Act 2023 through interviews with judges, arbitrators, legal practitioners, institutional administrators, and commercial parties. Such empirical research would provide valuable insight into the practical operation of the legislation beyond its statutory provisions.

Secondly, future research may evaluate the effectiveness of emergency arbitration and third-party funding following several years of practical application. These mechanisms remain relatively new within Nigerian arbitration practice, and their long-term impact will become clearer as judicial decisions and institutional experience continue to develop.

Thirdly, comparative empirical research examining investor perceptions of arbitration across African jurisdictions could identify the institutional factors most strongly influencing commercial confidence. Such studies would assist policymakers seeking to strengthen Nigeria's position within the regional arbitration market.

Finally, further research should examine the relationship between arbitration, digital technology, artificial intelligence, electronic evidence management, and online dispute resolution. As commercial transactions become increasingly digital, arbitration procedures will inevitably continue evolving to accommodate technological innovation.

Concluding Observation

The enactment of the Arbitration and Mediation Act 2023 provides Nigeria with an important opportunity to strengthen its commercial dispute resolution framework. However, realising the full benefits of legislative reform requires sustained commitment from government, the judiciary, arbitration institutions, legal practitioners, academic institutions, and the business community.

Future research should therefore continue monitoring the practical implementation of the Act while evaluating emerging developments in international arbitration practice. Such scholarship will contribute not only to the development of arbitration law but also to broader efforts aimed at improving commercial justice, investor confidence, and economic development within Nigeria.

Conclusion

Arbitration has become an indispensable component of modern commercial dispute resolution because it offers

parties a flexible, confidential, efficient, and commercially responsive alternative to litigation. As domestic and international commercial transactions continue to expand, effective arbitration systems have become increasingly important for promoting investor confidence, facilitating cross-border trade, and strengthening national economies. Nigeria's continued efforts to modernise its arbitration framework therefore represent an important step towards improving commercial justice and positioning the country within the evolving global arbitration landscape.

This article has critically examined the contemporary challenges affecting arbitration practice in Nigeria against the backdrop of the Arbitration and Mediation Act 2023. While the enactment of the Act represents a significant legislative milestone that aligns Nigeria more closely with internationally accepted arbitration principles, the study has demonstrated that legislative reform alone cannot guarantee the effectiveness of arbitration. Rather, successful arbitration depends upon the interaction between sound legislation, consistent judicial interpretation, efficient arbitral institutions, competent practitioners, and a commercial culture that respects party autonomy and the finality of arbitral awards.

The analysis identified several practical challenges that continue to influence arbitration practice in Nigeria, including judicial inconsistency, delays in the recognition and enforcement of arbitral awards, high costs of proceedings, institutional capacity constraints, limited public awareness, and the need for greater professional specialisation. Although the Arbitration and Mediation Act 2023 introduces important innovations, including enhanced party autonomy, emergency arbitration, recognition of third-party funding, and clearer provisions governing interim measures and award enforcement, many of these practical challenges remain institutional rather than legislative in nature.

The comparative examination of arbitration systems in the United Kingdom, Singapore, and Switzerland further demonstrates that successful arbitration jurisdictions derive their strength not solely from comprehensive legislation but from sustained institutional development, judicial restraint, administrative efficiency, and continuous investment in professional expertise. These jurisdictions illustrate that commercial confidence is built through predictable legal outcomes, effective arbitral institutions, and a supportive judicial environment that recognises arbitration as an independent dispute resolution mechanism rather than an extension of litigation.

Accordingly, this article argues that the Arbitration and Mediation Act 2023 should be regarded as a foundational framework rather than a complete solution to the challenges confronting arbitration practice in Nigeria. Its long-term success will depend upon effective implementation, continued judicial education, institutional strengthening, technological innovation, professional development, and increased awareness among commercial actors. The recommendations advanced in this study are therefore intended not merely to improve arbitration practice but also to contribute to broader efforts aimed at enhancing Nigeria's commercial legal infrastructure and strengthening investor confidence.

The article contributes to contemporary arbitration scholarship by moving beyond descriptive analysis of statutory provisions towards a critical evaluation of the

practical realities shaping arbitration practice under the new legislative framework. In doing so, it demonstrates that modern arbitration reform requires a holistic approach in which legal reform is complemented by institutional capacity building and sustained stakeholder commitment.

As Nigeria continues to expand its participation in international commerce and regional economic integration, arbitration will inevitably assume an increasingly significant role in commercial dispute resolution. The challenge for policymakers, courts, arbitral institutions, legal practitioners, and the business community is therefore not merely to embrace the Arbitration and Mediation Act 2023, but to ensure that its objectives are translated into consistent practice capable of establishing Nigeria as one of Africa's leading centres for domestic and international commercial arbitration.

Ultimately, the future of arbitration in Nigeria will be determined not by the enactment of legislation alone, but by the collective commitment of all stakeholders to uphold the principles of efficiency, fairness, professionalism, judicial restraint, and party autonomy that define modern international arbitration. If these principles are consistently implemented, Nigeria possesses both the legal framework and the institutional potential to emerge as a preferred seat for commercial arbitration within Africa and the wider international community.

References

1. Arbitration and Mediation Act, 2023.
2. Constitution of the Federal Republic of Nigeria 1999 (as amended).
3. Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958.
4. UNCITRAL Model Law on International Commercial Arbitration (1985, amended, 2006).
5. Born GB, *International Commercial Arbitration* (3rd edn, Kluwer Law International, 2021).
6. Redfern and Hunter on *International Arbitration* (7th edn, OUP, 2022).
7. Russell on *Arbitration* (25th edn, Sweet & Maxwell, 2023).