An Overview of the Customary Disputes Resolution in Africa,
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Abstract

Before the introduction of Western style of dispute resolution, the pivotal role played by chiefs, elders, family heads, age grades, and sometimes, diviners/traditional priestsamongst othersin resolving conflicts andensuring restoration ofstrained relationships in their environment cannot be overemphasized. The use of customary arbitration in the settlement of disputes by the indigenous people of Africa dated back to the history of the culture of such community which was usually practiced in accordance with the customs of such given society concerned with the sole aim of retaining the goodwill between the parties and harmony in the community.This system of dispute resolution had been in operation in the several communities that makes up the present geo-political expression called Nigeria in particular and the entirety of Africa continent in general before the advent of the colonial administration that introduced their foreign legal system on their colonised territory. Suffice to say that the introduction of the foreign legal system did not completely erase the potency of customary arbitration in the settlement of communal differences in the various African States. This paper therefore examines the mechanism for conflict resolution in traditional African societies before, during and after colonialism. It explores the constitutionality of customary arbitral process and recent dimension in the development of alternative disputes resolution (ADR) mechanism in Africa. Presently, the legal and institutional framework for customary dispute resolution and their impacts in reshaping the conduct of arbitral proceedings has taken a formidable shape in Africa through various judicial interpretations which have shown without equivocation that customary arbitral process has become well-rooted in annals oflegal system inAfrica.

Key words: **Customary Disputes Resolution, Colonialism, Constitutionality of customary arbitral process**

1. Introduction

Before the colonisation in Africa, there was already in existence a well-entrenched mechanism for the resolution of disputes. The Colonial masters did not throw away the practices save for some of them viewed or regarded as been repugnant to natural justice, equity and good conscience. African countries over the years have strived to enact arbitration related legislation in order to be in tune with the global best practice in the usage of arbitration and other alternative disputes resolution mechanism in resolving disputes in their domain.

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Nganga, D., **The Effects of Colonialism on Indigenous Conflict Resolution Systems Among Pokot and Turkana Communities.(2019)available at<*http://www.infactispa.x.org.journal*> (last accessed 23/4/2024). 72**

In the pre-traditional Africa society, disputes were viewed as anti-progress because it distorts the harmony that regulates all social life. It is the general believe that parties either by themselves or with the assistance of a neutral third party should always take the necessary steps early enough to amicably remove the root cause of any potential dispute. Litigation on the other hand is seen in traditional African society as an irrefutable prove that there has become a serious breakdown of peace, tranquility and harmony.

Due to colonialism, Africa traditional societies faced the challenge of living in two worlds, the indigenous and the non-indigenous which are in constant tension with each other, with the latter having more power in shaping the former. Due to the Western incursion into Africa, indigenous populations have suffered an invasion of their entrenched practices as a result of the imposition of western institutions on them.

2. Customary Arbitral Process in Africa

The structure of a typical African society for the purpose of customary arbitration procedure was either "Chiefly" (as for example amongst the Yoruba, lbibio, Hausa of Nigeria, the Baganda of Uganda and Zulu of South Africa) or the "Republican" (as with the Nuer of Sudan and the Igbos ofNigeria).The Chiefly societies using the Yoruba as an example are often stratified from the family level *(adugbo-ile* meaning compound) with a family head *(Baale)* to the quarter level *(adugbo)* headed by the *(Baale)* on to the entire village/town headed by the *Oba.* The *Oba* is usually assisted by a Council of Chiefs often constituted by the heads of these various levels of traditional authority.

Amongst the Binis, the village head (*Okagbue)* principally functions as the arbitrator toresolve disputes.Disputing parties are also at liberty to request any member of the community, in whom they repose confidence to arbitrate, with the undertaking to abide by his decision. Eminent chiefs in town could also be called upon by the king to reconcile differences even between neighbouring villages at the request ofthe villagers in certain types ofdisputes. Before the

Ibe, C.E., Customary Private Dispute Resolution Practice in Nigeria: Call for Legislative Intervention, The Journal of Arbitration of the Chartered Institute ofArbitrators Nigeria.(2012) Vol. 7, No.1, p.57

Lawal, R. 0.,and Orunbon, N. 0., et all. Resolving Conflict in African Traditional Society: An Imperative of Indigenous African System.African Journal of History and Archaeology (AJHA) (2020) Vol 4. No. 1.40

Ibidapo-Obe, A., The Judgment of the gods: Customary Arbitration Processes and Justice Delivery in Africa, The Journal of Arbitration of the Chartered Institute ofArbitrators Nigeria, (2012) Vol. 7, No.1..31

ibid, See also **Ajayi, A.T., and Oluwafemi, B.L.,Methods of Conflict Resolution in African Traditional Society,** International Multidisciplinary Journal, Ethiopia (2014) Vol. 8 (2), Serial No. 33,. 142

colonial era, customary law operated freely in its areas of influence as a complete and independent legal system.

The Igbo traditional institutions for conflict resolution include: the family, *Amala* (council of elders), *Okpara* system (eldest male), *Umuanna* (clan), *Umuada* (female born in a town but married out), age grades, assembly of the people, *Ohanaeze* (assembly of the people and the king), hunters Association, and *agbara* (local deities or oracles). These are not different from the one found in other traditional African societies.

In African states, arbitration grew from customary law. In traditional African societies, parties to a dispute often resort to customary arbitration by submitting their dispute to family heads; chiefs and elders of the community for settlement and the parties will mutually agree to be bound by such decision. Arbitration was used for resolving conflicts then because of its emphasis on moral persuasion and its ability to maintain harmony in human relationship. Customary arbitration is not a new phenomenon in Africa as a whole. It is usually a means of resolving conflicts with a view to maintaining, harmony between parties in a dispute.

In the traditional African sense, the process of customary arbitration thrives on the pivot of communal life style of her diverse peoples. Speaking on this communal existence, Tutu observed thus:

> African believes in something that is difficult to render in English. We call it' *UbunuBotho* '; it means the essence of being human... it recognises that my humanity is bound up in yours for we can only be human together. .. the African regards the universe as a composite whole, an organic entity, progressively striving towards greater harmony and unity; whose individual part exist merely as independent aspects of one whole, realising their fullest potential in the corporate life.

In other words, Tutu recognised that in the resolution of disputes within the confines of the Africa customary idea, self-interest is de-emphasised while premium is placed on communal or group interest. Disputes are not approached from a victor and the vanquished perspective. Customary arbitration is particularly important institution among thenon-urban dwellers inthe

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Oba,A.A., Juju Oaths in Customary Law Arbitration and Their Legal Validity **in** Nigerian Courts available at <https://www.jstor.org/stable/27608001> (last accessed 18/5/2024), 140

Ajayi, A.T., and Oluwafemi, *B.L..,op cit..145*

Ayodele, A.A.,Customary Law Arbitration in Nigeria: An Overview, *available at <http://www.Journal.ucc.edu.ghl../64.pdf> (last visited 19/11/2023).1*

Obiozor, C.A.,NigerianArbitration Jurisprudence: *Onitsha: Allied Press & Co, (2010). 20.*

[10] Tutu, D., *quoted in At. Trollip, Alternative Dispute Resolution in a Contemporary South Africa Context, (Durban:Butterworths, .(1991) 21*

[11] Obiozor, C.A., *op cit., n.8, 21.*

country (even among the urban). They often resort to it for the resolution of their differences because it is cheap, less formal, and less rancorous than litigation.

In Nigeria, for example there is the head of family who in all intents and purposes heads a nuclear family consisting of a man, his wife or wives and children. Oftentimes, there are members of the extended family living in the same habitation.From the head of family, in a graduated from, there is the clan head. This is the head of a group of persons related by pedigree through an ancient but traceable ancestor. After this comes the village headship which in most cases is hereditary. In this case, by extension, the inhabitants of the village share a common ancestor. There is also the traditional ruler of the town who is assisted by eminent chiefs.

According to Ibrahim Imam, Arbitration as a mechanism of settlement of dispute has been with Nigerians from time immemorial as it has been with mankind from the beginning of its creation. The existence of the method as a means of dispute resolution is based on the fact that conflicts and controversies are inevitably a daily occurrence in society from time immemorial, this may be in the form of personal disagreements, religious crises, political, ethnic, marital disputes, chieftaincy matters, land and community boundary dispute and even economic conflict and which from time are settled one way or the other through an organised traditional dispute resolution mechanism like arbitration.

At the heart of customary arbitration is the settlement of disputes by one or more arbiters in a community in accordance to the customs of the society with the aim of retaining the goodwill between the parties and harmony in the community.This system of dispute resolution had been in operation in the several communities that makes up the present geo-political expression called Nigeria before the advent of the British colonial administration that introduced the Common Law system in the 19th Century. The introduction of the British legal system did not completely

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[12] Ezejiofor, *G.,The Law of Arbitration in Nigeria. Ikeja: Longman, (I 997).34*

[13] Sokefun J.A., and Lawal S.,Customary Arbitration, International Arbitration and the need for a Lex Arbitri, *available at <http://www.nigerianlawguru.com/. ../arbitration/customary> .(Lastedaccessed 13/10/2023);.l-2; see also thecaseofOkereke&Anor V.Nwankwo&anor(2003)FWLR (pt. 158), 1258,* where the supreme Court of Nigeria defined customary arbitration as an arbitration in dispute founded on voluntary submission of parties to the decision of arbitrators who are either the chiefs or elders of the community and the agreement to be bound by such decision or freedom to resile where unfavourable

[14] *ibid*

[15] Ibrahim, I.,The Legal Regime of Customary Arbitration in Nigeria Revisited *available at <http/I.www.unilorin.edu.ng/. ../unikogi%20customary%arbitraton>.(last accessed 2/6/2023) 3*

[16] Okogbule,N.S.,The Role of Customary Arbitration in Nigerian Jurisprudence, *Modern Practice Journal of Finance & Investment Law,* (2005) vol. I 0, No.1-2. 8

obliterate the use of customary arbitration which is still used today for settling disputes such as title to land and trade disputes amongst others, within the society.

Arbitration as one of the alternative dispute resolution mechanisms has a chequerred history. It has always been a more economic and friendly method ofresolving disputes both in traditional and modem settings and it was after the advent of colonialism that statutory arbitration was evolved wherein certain provisions of the statutes started regulating arbitration. But before then, disputes arising out of land matters, marriage, dissolution of marriage and other kinds of disputes were regulated, administered and settled by elders, chiefs and traditional rulers in a particular community.

The Supreme Court of Nigeria has in the case of Ohiaeri v Akabueze judicially affirmed the historical existence of customary arbitration as a process of dispute settlement in Nigerian where it defined customary arbitration thus:

> Arbitration as dispute resolution is founded upon voluntary submission to the decision of the arbitrators who are either chiefs or elders of their community and the agreement to be bound by such decision and a freedom to resile where unfavourable.

In the same vein, Supreme Court pronouncement per KaribiWhyte JSCin Egesimba v Onuzurike had this to say with regards to customary arbitration thus: "Where a body of men be they chiefs or otherwise, acts as arbitrators over a dispute between two parties their decision shall have a binding effect, if it is shown firstly, that both parties submitted to the arbitration, secondly that the parties accepted the terms of the decision, such decision has the same authority as the judgment of judicial body and will be binding on the parties and thus create an estoppels".

Niki Tobi JSC in the case of Ufomba v Ahuchogu stated that"A customary arbitration is essentially anative arrangement by selected elders of the community who isvast in the customary law of the people and takes decision, which are mainly designed or aimed at bringing some amicable settlement, stability and social equilibrium to the people and their immediate society or environment". Reference ofdispute forarbitration isusually made to,the family head,

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[17] Igbokwe, V. C., The Law and Practice of Customary Arbitration in Nigeria: Agu v Ikewibe and Applicable Law Visited: *Journal of African Law, vol. 41, No.2, available at <http://wwwJstor.org/stable/745428.>(Last accessed08/10/2023),p.202; see Ufomba vAhuchogu[2003] F.WL.R. 1013 at 1037 &1038*
Ariyoosu, D.A., Customary Arbitration as a Dispute Resolution Mechanism and its Operational Framework as Estoppel Per Rem Judicata, *available at <http/I.www.library.up.ac.za/law/docs/Nigeria> (last accessed 2/3/2024).1*

[19] *ibid*, see Nworu T.O., 2014, Periscoping "Neutrality" into Customary Law Arbitration **in** Nigeria, *The Journal of Arbitration of the Chartered Institute of Arbitrators Nigeria*, (2014) Vol. 9, No.1. .42

[20] *EgesimbavOnuzurike (2002) 9-l0SC 1 at 19andAguvlkewibe(l991) 3NWLR (pt 180) 385.*

[21] *Ufomba v. Ahuchogu (2003) 8 NWLR (pt.821) pp.l 30at 147*

elders or chiefs of the community or to religious leaders such as Imam or pastor or to the mosques or to the church for settlement. Their roles among others, in the community are, concerned for settlement of disputes or conflicts and upon subsequent acceptance of the arbitration, grant an award, which becomes binding on the disputing parties. If there is a disagreement as to whether arbitration is in fact a properly constituted arbitration between the parties the courts makes a specific finding of facts on the question, Dean CJ in the case of **Assampong v KwekuAmuaku** says that; ... Where matters in dispute between parties are, by mutual consent, investigated by arbitrators at a meeting held in accordance with the native law and custom and a decision given, it is binding on the parties and the Supreme Court will enforce it.

3. Overview of Traditional Dispute Resolution practices across African Societies

Colonisation brought a cultural conflict between the African and western cultures. The western culture was viewed as superior and dominant, thus subjugating African cultures. Cultural imperialism was extended to the world of dispute resolution. African cultures were allowed to guide courts so long as they were not repugnant to justice and morality, yet repugnancy was measured by western senses of justice and morality and not African. It is not out of place to note that the practice of arbitral process and other forms of alternative disputes resolution were firmly rooted in Africa jurisdiction before the introduction of the Western Court System. Some of these traditional disputes resolution mechanisms inAfrica are highlighted below:

In Rwanda, the basic unit of socialisation was the extended family. Status in their society was divided along gender and age lines. Family component was not only a social unit but also a security system since almost everyone was dependent on lineage for socialisation. Usually,the first point of call in addressing disputes were the headmen of the lineages or the eldest male or patriarchs of families who resolved conflicts and ensured restoration of social harmony, seeking truth, punishing perpetrators and compensating victims through gifts. Interestingly, the main target of the settlement system called Gacacaprocess was to guarantee social harmony between lineages and social order throughout the Rwandan ethnicities. With the advent of colonialism, western ideals and notions of justice influenced or limited some aspects of the Gacacaprocess.

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22 *Odonigiv Oyeleke (2001) 2* SC *194 at 203 and Njoku vEkeocha (1972) 2 ECSLR, See also* lbidapo-Obe,A., *Op cit.* n.3, .46

23 *AssampongvKweku (1932) 1 WACA 192 at 201*

24 ***Kariuki,*** F., **2015.Contlict Resolution by Elders in Africa: Successes, Challenges and Opportunities** Available at <*https:l/ssrn.com/abstract=3646985.*> (last accessed 15/4/2024) .17

25 lngelaere, B., TheGacaca Courts **in** Rwanda" *Traditional Justice and Conflict Resolution After Violent Conflict: Learning FromAfricanExperiences,*Luc Huyse and Mark Salter(Eds)(*IDEA, Stockholm),*(2008).33.

Although colonialists introduced Western legal systems in Rwanda, the Gacacaprocess operated at the lower levels, especially in most customary conflicts. Importantly, after the Rwanda Genocide, the Rwandan Government institutionalized Gacacacourts as a means to obtain justice and deal with a majority of the genocide cases that the formal Courts and International Criminal Tribunal for Rwanda (ICTR) could not handle.
Among the Tswana **of Botswana,** customary dispute resolution runs parallel to the formal justice system. Traditional dispute resolution in that society is predicated on the norms and practices of the people. At the lower family levels are the batsadibalolwapa (family leaders), the batshereganyi(headmen of records), dikgosana(headmen), moemelakgosi-kgolo (the chief's representative) and finally the kgosi-kgolo (paramount chief). Resolution of differences revolves on the elders working at a collegiate level (for example the dikgosana and the batshereganyi) or a single elder resolving a dispute alone (for example the batsadibalolwapa and the kgosi-kgolo).

Dispute resolution starts at the household (lolwapa) level. If a dispute cannot be resolved at the level, it is taken to the Kgotlana (extended family level) where elders from the extended family sit and listen to the matter. The elders emphasise mediation of disputes. If the kgotlanadoes not resolve the dispute, the disputants take the matter to kgotla, which is a customary court with formal court like procedures. It consists of the chief at the village level and the paramount chief at the regional levels. The chiefs are public officials and handle both civil and criminal matters. However, it is instructive to note that the customary court does not deal with land disputes as its role is merely advisory. The decision of the paramount chief is appealable to the customary court of appeal, which is the final court on customary matters and has the same status as the High Court.
In all, traditional healers, diviners, herbalists, spiritual seers and healers also play an important role in conflict resolution. Endowed with respect, they play a crucial role in truth seeking. They also mediate between the living, ancestors and god. Conflicts arising from incidents such as witchcraft are not resolved by the customary courts. They are regarded as private matters and hence privately resolved by traditional healers and affected parties.

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[26] *ibid*

[27] ***Kariuki,*** F., *op cit.* p.4. See also Myer, L.J., and Shihn, D.H., 20I0. Appreciating Traditional Forms ofHealing Conflict and in Africa and the World," *Black Diaspora Review* 2(1) Fall, (2010) .6.

[28] Osei-Hwedie, **K.,** and Rankopo, M.J., *Indigenous Conflict Resolution in Africa: The case of Ghana and Botswana* available at<*https://heiwa.hiroshima-u.acjp > Pub,pdf*>(last accessed 25/6/2024) .42.

[29] at .43

[30] *ibid*

[31] ***Kariuki,F.,*** *op cit.*.6. See also Osei-Hwedie,**K.,** and Rankopo, M.J., *opcit.*45

With regards to South Africa, it has a pluralistic legal system which has allowed customary law, based on customs and practices of the people, to be used in traditional courts. Unlike formal courts, the elders in traditional courts are not trained judges. Instructively, there is no legal representation or recording of proceedings as trial follows the customs and practices of a particular ethnic group. The main aim of the traditional courts is to enhance the restoration of social equilibrium. The main actor in the traditional justice system is the traditional leaderof the community, who is often an elder.

Before colonialism, dispute resolution in South Africa was governed by customs and practices of the various tribal communities. After Colonisation, the White rulers enacted the Black Administration Act of 1927. The Act has been repealed several times,it does not create a traditional court but allows both civil and criminal powers to be vested in traditional leaders who use customary law to resolve disputes. It allows chiefs and headmen to try civil matters. However, the traditional leader must have the Minister's authorisation to resolve civil disputes based on customary law while the race of the parties must be African; and the defendant must be residents within the traditional leader's area of jurisdiction. Examples of civil disputes heard by traditional leaders are return of dowry (lobolo) or damages for adultery. A traditional leader can, howevernot determine divorce, nullity or separation matters.

Interestingly, after attainment of black rule in South Africa, a new Constitution came into effect and questions arose as to whether the Constitution recognised traditional courts as they were not expressly listed under Section 166 of the Constitution that lists the Courts. The matter was laid to rest in the Constitutional court decision in **Ex parte Chairperson of the Constitutional Assembly: In re Certification of the Constitution of South Africa,** where the court read the provision of section 166 (e) and Section 16(1) of Schedule Six of the Constitution to find that section 16(1) included traditional courts.
In Uganda, traditionally, disputes among the Karamojong and Tesocommunities are resolved by a council of elders who are usually called the Akiriketwhile among the Teso is called Arriget. Amongst the two communities, the council ofelders playsa crucial role in maintaining social order by preventing the violation of community rules. This is important because these

[32] Rautenbach, C., Traditional Courts as Alternative Dispute Resolution (ADR)-Mechanisms **in** South Africa available at< *https:/lwww.coursesidekick.com > Law>* (last accessed 12/5/2024) 290

[33] *ibid*

[34] Section 12(1) ofBlackAdministrationAct.

[35] 196(4) SA 744(CC).

[36] Chapman, C., and Kagaha, A., *Resolving Disputes using Traditional mechanisms in the Karamoja and Teso Regions of Uganda available at <https:llreliejweb.int >report> uganda > resolving-conjl...pd/>(2009) (last accessed 25/6/2024). 3.*

commumtles are far removed from formal justice systems. Conflict resolution in the Karamojaregion is through age sets: the eldest age set listens and resolves disputes and a high age set plays the role of bringing offenders from lower age set before the eldest age set for conflict resolution in a system known as ameto. The fundamental feature of this system is that it is only applicable at the village level.

In respect of crimes such as murder, the offender undergoes a cleansing ceremony before reintegration into the community. Decisions by elders are easily complied with due to strong communal ties, and commitment to customary norms. With colonialism and modernity, younger educated people are becoming leaders affecting dispute resolution negatively. Under the age set system, elders were not supposed to report to younger people and this is threatening the role ofelders in dispute resolution.

In Ethiopia,dispute resolution traditionally, presents a rare case from other African countries. Ethiopia, unlike most African countries, was not colonised. The expectation, therefore, is that traditional dispute resolution would be free from western influences. However, it is observed that dispute resolution among the different tribes in Ethiopia was largely influenced by the Abrahamic religions of Christianity, Judaism and Islam. These religions are monotheistic in nature and are against the reference to ancestral spirits in dispute resolution. Due to the influence of these religions, traditional dispute resolution in Ethiopia has adopted a religious dimension. Some elders in Ethiopia insist that they use spiritual mediums and spiritual connections to the ancestors in reconciliation. The use of religion or spiritualism caught up again with the introduction of the Abrahamic religions in Ethiopia with different religious elders performing their religious rituals in cases of serious crimes such as murder

It is also observed that the Gumuz, the Oromo and the Amhara living in the Metekkel region of Western Ethiopia adopted a mechanism of Michuor friendship to resolve land disputes due to many immigrants in the area. The aim of traditional dispute resolution by elders in Western Ethiopia is not to punish the wrongdoers but to restore social harmony seeing that different tribes live side by side. The types of conflicts in the area include land boundary disputes, disputes over grazing area and cultural disputes especially due tointermarriages.Resolution ofdisputes by

ibid

[40] ***Kariuki,*** F., *op cit*..8

Bahtu, G.T., *Popular Dispute Resolution Mechanisms in Ethiopia: Trends,*

[42] *Opportunities, Challenges and Prospects, available at < http://kmco.co.ke > uploads > 2018/08 > Conflict> (last accessed 24/7/2024). 109*

[43] Myer, L.J., and Shihn, D.H. *op cit.* 7

elders thus provides an alternative dispute resolution that is wholesome and responsive to the living conditions of the disputants.

In Ghana, traditional conflict resolution is a structured political,judicial and arbitration mechanism. Traditional leaders play a vital role in local and grassroots communities in relation to socio-economic development and the administration of justice in the modem political system. This is part of the cultural heritage of the people. The institution of traditional leadership plays critical roles in promoting and sustaining social cohesion, peace and order in societies. Traditional institutions play two important roles: a proactive role to promote social cohesion, peace, harmony, co-existence; and a reactive role in resolving disputes which have already occurred. Among the Akans, the leader of the traditional state is the paramount chief (omanhene) followed by the divisional chiefs (ohene), and the head of villages (odikro-literally meaning the owner of the village). Villages consist of a number of family groups or clans/lineages. Each family group or clan is headed by an elder of the family (abusuapanyin). This is distinct from the head of household (ofiepanyin).

From the paramount chief to the odikrolevel, there is a queen mother who is also critical in conflict resolution at the family, through community to the state level. At the clan and household levels there is also a female head (obaapanyin). Chiefs at all levels have a council of elders which helps in governance as part of the formal structure of chieftaincy. Other actors may be drawn from across all sections of society including clan, traditional, youth, women, singing, and self-help groups/associations. Also, of significance are the traditional priests/spirit mediums, herbalists and soothsayers.

4. Constitutionality of Customary Arbitral Process

The Constitution of the Federal Republic of Nigeria, 1999, (as amended), affirms the existence of the customary rules in its recognition for existing laws. Section 315 (1) of the Constitution provide thus:

Subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall bedeemed to be...

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41 ibid. See also ***Kariuki,*** F., *op cit*..9

42 Osei-Hwedie, K., and Rankopo, M.J., *Indigenous Conflict Resolution in Africa: The case of Ghana and Botswana* available at< *https://heiwa.hiroshima-u.acjp > Pub,pdf*> (last accessed 25/6/2024) .38-40.

43 *ibid*

44 *ibid*

46 Customary law qualify as "existing law" under the Constitution; see Karibi-Whyte, JSC, in Agu v. Ikewibe (199 l) 3NWLR(pt.204)p.385 and the decision of the court in the case ofOkechukwu v. Etukokwu (1998) 8 NWLR(pt. 562) 513 at 529-530

In the same vein, the customary law rules qualify as "existing law" in view of section 315(4) (b), of the Constitution which defines "existing law" as "any law and includes any rule of law or any enactment or instrument, whatsoever, which is in force immediately before the date when this section comes into force or which having been passed or made before the date comes into force after the date". The Constitution came into force on 29th May 1999 at which time the customary law was already entrenched as part of the Nigerian jurisprudence. The Constitution also recognises the import of customary law rules by the creation and existence of a Customary Court of Appeal in the States and the Federal Capital Territory. The rights of parties to appeal matters from the Customary Court of Appeal to the Court of Appeal, and the appointment of judges to the Court of Appeal based on their knowledge of customary law. The Arbitration and Conciliation Act also adds legitimacy to customary arbitration by providing in Section 35 (b), that, "This Act shall not affect any other law by virtue of which certain disputes (b) may be submitted to arbitration only in accordance with the provision of that or another Law." The reference to "another law" may imply that customary arbitration is not prohibited by the operation of the Act.

The Supreme Court proclaimed the constitutionality of customary arbitration in the case of ***Agu v Ikewibe,In*** this case, the appellant counsel relied on the views of majority in the case of *Okpuruwu v Ekpokam* where the Court of Appeal per *Uwaifo* JCA (as he then was) held thus:

There seemto be some misconception about some of the provisions of the Constitution of 1979, and the freedom between disputing parties to settle their differences in the manner acceptable to them. It is clearly unarguable that the judicial power of the Constitution in Section 6(1) is by section 6(5) vested in the courts named in that section, not so a customary arbitration .. .It is well accepted that one of the African customary modes of settling disputes is to refer the dispute to the family head or an elder or elders of the community for a compromise solution based upon the subsequent acceptance by both parties of the suggested award, which becomes binding only after such signification of its acceptance, and from which either party is free to resile at any stage of the proceedings up to that point. This is a common method of settling disputes in all indigenous Nigerian Societies.

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[46] **Obiozor**, C.A., *op cit.,n.* 7.. *78,*

[47] Section 280 of the Constitution of the Federal Republic ofNigeria, 1999, as amended

[48] *Sections 245 (1) and 247 (1)(b) of the Constitution*

[49] *Section 237 (2) (b) of the Constitution*

[50] Now Section 65 of Arbitration and Mediation Act, 2023

[51] Akinmoladun, F.O.,Enforcement of Arbitral Awards in Nigeria: An Appraisal of Emerging Trends., *Available at <http://ssrn.com/abstract=1556607>/astedvisitedon2/10!2023. .,53; Igbokwe, VC.,opcit.,n.17. 201-202*

[52] *Agu v Ikewibe* (Supra)

[53] *Okpuruwu v. Okpokam (I 9880) 4 NWLR (pt.90)544*

It is instructive to note that, Customary law which include customary arbitration is saved by Section 315(3) and (4) (b) of the 1999 Constitution as earlier noted are *ipsissimaverba* (i.e the same) with section 274(3) and 4(b) of the 1979 Constitution. *Karibi-Whyte* Justice (JSC) went on to say in that case thus: " .. .in the first place, a customary arbitration is not an exercise of the judicial powers of the Constitution, not being a function undertaken by the courts. Secondly, customary law is by virtue of section 274(3) and 4(b) an "existing law" being a body of rules of law in force immediately before the coming into force of the constitution of 1979. Thus, customary law which includes customary arbitration was saved by section 274(3) and 4(b) of the constitution of1979."

4. The New Dimension in the Development ofArbitral Process in Africa

The development of arbitral Process in Africa has steadily taken a shape over the years thereby dousing the previous doubt as to whether Africa can host major arbitration institutions as obtainable in European and American jurisdictions. For instance, Egypt is the host for the Asian-African Legal Consultative Committees (AALC) Regional Centre for International Commercial Arbitration established in Africa. Nigeria was among the first State in Africa to ratify Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (ICSID Convention) and equally the first country in Africa to adopt the Model Law and Conciliation Rules elaborated by the United Nations Commission on International Trade Law (UNCITRAL Model Law) and has been adopted by eleven African States; and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, has been implemented in thirty-eightAfrican States.

Additionally, Nigeria is the host to second Asian-African Legal Consultative Committees (AALC) Regional Centre for International Commercial Arbitration. There is also the *Organisation pour !'Harmonisationdu Droit des Affaires enA.frique*, well known by its French acronym (OHADA), which has been translated inEnglish as Organisation for the Harmonisation of Business Laws in Africa (OHBLA) Treaty signed on October 17, 1993, by FourteenAfrican

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54 *Agu v lkewibe, supra.*

55 These are: Egypt, Kenya, Madagascar, Nigeria, Tunisia, Uganda, Zambia and Zimbabwe (1985 version); Mauritius and Rwanda (2006 version) and the 2017 South Africa International Arbitration Act which is also based on the 2006 version of the UNCITRALModel Law.

56 These are: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central Africa Republic, Comoros, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Gabon, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, South Africa, Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe. The New York Convention entered into force in Sudan and Cape Verde in June 2018. See Onyema, E., 2018. The Role of African Courts and Judges inArbitration available at<https://eprints.soas.ac.uk.pdf> (last accessed 12/6/2023) .3

States at Port Louis Mauritius, with the mandate to prepare and adopt common rules called the Uniform Act (UA) in a number of areas related to business as stipulated in the OHADA Treaty. In the same vein, there is African Continental Free Trade Area Agreement *Dispute Settlement Mechanism (AfCFTA-DSM)which provides for rules as well as procedures for resolving differences within AfCFTA regime. Evidently, Africa is no more lagging behind in the comity of regions in want of modern legal trend in the resolution of disputes using Alternative Disputes mechanisms.*

4. Discussions on some of the giant strides in the development of Arbitral process made in Africa are highlighted below:

6.1. Asian-African Legal Consultative Organisation (AALCO)

The Asian-African Legal Consultative Organisation (AALCO), originally known as the Asian Legal Consultative Committee (ALCC), was constituted on 15 November 1956. It is considered to be a tangible outcome of the historic Bandung Conference, held in Indonesia, in April 1955. Seven Asian States, namely Burma (now Myanmar), Ceylon (now Sri Lanka), India, Indonesia, Iraq, Japan, and the United Arab Republic (now Arab Republic of Egypt and Syrian Arab Republic) are the original Member States. Later, in April 1958, in order to include participation of countries of the continent of Africa, its name was changed to Asian-African Legal Consultative Committee (AALCC). At the Fortieth Annual Session, held at the Headquarters of AALCC in New Delhi, in 2001, the name of the Committee was changed to Asian-African Legal Consultative Organisation (AALCO). It might seem to be a minor change in nomenclature. However, it has great symbolic significance reflecting the growing status of the Organisation and the place it has secured among the family of international organisations.

Initially,AALCOwas established as a non-permanent Committee for a term of five years. The five year term was further extended on four occasions until 1981, when at its Colombo Session; it was decided to place the Organisation on a permanent footing. That decision necessitated revision of the original Statutes and Statutory Rules, the revised versions of which were adopted in1987 and 1989 respectively.Alive to keeping the constituent instruments ofthe Organisation

[57] (Benin, Burkina Faso, Cameroon, Central African Republic, Chad, the Comoros, Democratic Republic of Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Guinea Bissau, Guinea, Mali, Niger, Senegal and Togo) Two subsequent signatories were added (Comoros and Guinea Bissau) making a total of 16 countries and later Democratic Republic of Congo in 2012. In all, 17 States are members ofOHADA. See *Yakubu*, J.A., **2012. *Community Laws in International Business Transactions* in Unified Business Laws** for Africa **Common Law Perspectives on OHADA** (Dickerson, C.M., ***Ed)2"'Edn.*** IEDP, London, .1

[58] Available at <*https://www.aalco.int > AALCO brochure 2019..pd*> (last accessed 20/10/2023)

[59] Available at (last accessed 20/10/2023)

in tune with the changing times and newer hopes and aspirations of its Members, the Member States, at the Forty-Third Annual Session of the Organisation at Bali, Republic oflndonesia, in June 2004 accorded their unanimous approval to a new and revised Text of Statutes. The new Text of Statutes is in consonance with the constituent instruments of other intergovernmental Organisations. Consequently, the Statutory Rules are also revised.

Forty-Seven countries comprising almost all the major States from Asia and Africa are presently the Members of the Organisation. Membership of the Organization is open to all Asian and African States desirous of participating in the Organisation in accordance with its Statutes and Statutory Rules. Any such State desirous of membership has to address a written communication to the Secretary-General oftheAALCO intimating its desire to participate in the Organisation and stating its acceptance of the Statutes and Statutory Rules. The communication when received is circulated among the Member Governments with a request for submission of their comments within a period of six weeks. Unless objections are received from not less than one-third of the total membership of the Organisation, the State concerned is thereafter declared admitted as a Member State.

The Organisation has established three centres in Africa, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Egypt,Regional Centre for International Commercial Arbitration, Lagos (RCICAL), NigeriaandNairobi Centre for International Arbitration (NCIA), Nairobi, Republic of Kenya apart from the two other centres established in Asian International Arbitration Center, Kuala Lumpur, Malaysia and Tehran Regional Arbitration Centre (TRAC), Islamic Republic oflran.

6.2. The Cairo Regional Centre for International Commercial Arbitration (CRCICA), Arab Republic ofEgypt.

The Cairo Regional Centre for International Commercial Arbitration was established in 1979 by AALCO and the Egyptian Government for an experimental period of three years. In 1983, an agreement was concluded betweenAALCO and the Egyptian Government for granting

[60] ibidn.32

[61] These countries are: Arab Republic of Egypt; Bahrain; Bangladesh; Brunei Darussalam; Cameroon; Cyprus; Democratic People's Republic of Korea; The Gambia; Ghana; India; Indonesia; Iraq; Islamic Republic oflran; Japan; Jordan; Kenya; Kuwait; Lebanon; Libya; Malaysia; Mauritius; Mongolia; Myanmar; Nepal; Nigeria; Oman; Pakistan; People's Republic of China; Qatar; Republic of Korea; Saudi Arabia; Senegal; Sierra Leone; Singapore; Somalia; South Africa, Sri Lanka; State of Palestine; Republic of Philippines; Sudan; Syria; Tanzania; Thailand; Turkey; Uganda; Socialist Republic of Vietnam and Republic of Yemen. see Article 2(1) Statutes ofAALCO, 2004

[62] Article 2(2) oftheAALCO Statutes.

[63] *Ibid*

permanent status to the Cairo Centre. The Cairo Centre offers specialised services to settle trade and investment disputes, through arbitration. It includes also Alternative Dispute Resolution techniques (ADR) such as conciliation, mediation and technical expertise. Apart from this, the Centre also offers advice to parties to international commercial and investment contracts with regards to drafting these contracts, promote arbitration and other ADR techniques in the Afro-Asian region through the organisation of international conferences and seminars and organise training programmes for international arbitrators and legal scholars from the Afro-Asian region through the Centre's Institute for Arbitration and Investment. The Cairo Centre follows the UNCITRAL Arbitration Rules with certain modification.

Apart from this, the Cairo Centre had also established the Institute of Arbitration and Investment in 1990; the Institute of Arab and African Arbitrators in Egypt in 1991; the Centre's Maritime Arbitration Branch in Alexandria, which is meant to deal exclusively with maritime disputes, in 1992; the Cairo Branch of the Chartered Institute of Arbitrators of London in 1999; Alexandria Centre for International Arbitration in 2001; and a Mediation and ADR Centre as a branch of the Cairo Centre to administer commercial arbitration and other peaceful non-binding means of avoiding and settling trade and investment disputes, in 2001.

6.3. Regional Centre for International Commercial Arbitration Lagos (RCICAL), Nigeria

In 1980, an Agreement was concluded with the Federal Government of Nigeria for the location of a third Center in Lagos. The Centre was formally inaugurated in March 1989. On 26th April 1999, Honourable AlhajiAbdullahi Ibrahim OFR (SAN), the then Attorney General and Minister of Justice, on behalf of Nigeria and Mr. Tang Chengyuan, the then Secretary-General of the AALCO, signed an Agreement which formalised the continued functioning of the Center for a period of five years with effect from January 1999 to December 2004.

The Lagos Centre was to serve the West Africa sub region. It was set up with the objectives of providing a system for the settlement of disputes for the benefits of parties engaged in trade, commerce and investment within the business community especially with West African sub-region. The Lagos Centre, like other centres established under the auspices of AALCO has the same broad-based functions namely promotion of international commercial arbitration in Africa, providing arbitration under the Rules of the Centre, providing assistance and facilities for

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64 Orojo, J.O and Ajomo, M.A., Law and Practice of Arbitration and Conciliation in Nigeria: Lagos: Mbeyi& Associates, (1999).85

65 *ibid*

66 *ibid*

67 *ibid*

holding arbitral proceedings, assisting in the enforcement of arbitral awards and encouraging the use of conciliation for the resolution of commercial disputes.

It was in the recognition of the importance of the Regional arbitration framework that the Nigerian Government enacted the Regional Centre for International Commercial Arbitration Act, on 10th May, 1999 with its objectives included but not limited to (a)providing a unified legal framework for the fair and efficient settlement, through arbitration and conciliation, of commercial disputes within the region; (b) promoting the growth and effective functioning of national arbitration institutions within the region; and (c) promoting the wider use and application of the United Nations Commission on International Trade Law Arbitration and Conciliation Rules.

Interestingly, the Nigeria Arbitration and Mediation Act, 2023, recognises the pivotal role of the Centre by providing that its Director shall be deemed to be the appointing authority designated by parties in the event where under an agreement for international arbitration, no procedure was agreed by parties with respect to the appointment of arbitrator and where appointing authority is designated or agreed to be designated by the parties. This particular provision to greater extent has addressed the hitherto situation under Arbitration and Conciliation Act where parties usually found themselves in a fix in the event of their failure to capture appointing authority in arbitration agreement.

6.4. Nairobi Centre for International Arbitration (NCIA), Nairobi, Republic of Kenya

On 3 April 2006, during the Forty-Fifth Annual Session of AALCO, held in New Delhi, India, a Memorandum of Understanding for the establishment of a regional centre for arbitration in Nairobi was signed by the Secretary-General of AALCO and the Attorney-General of the Republic of Kenya. The following year, on 2 July 2007 at the Forty-Sixth Annual Session of AALCO in Cape Town, South Africa, an agreement was signed establishing the Nairobi Regional Arbitration Centre. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015. The Nairobi Centre for International Arbitration was thereafter inaugurated on 5 December 2016.

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[68] Orojo, J.O andAjomo, *M.A..,opcit.86-87*

[69] Section 59 of the Arbitration and Mediation, 2023

[70] *ibid*

6.3.0rganisation for the Harmonisation of Business Laws in Africa, (OHBLA/OHADA)

OHADA Treaty was signed on October 17, 1993, by Fourteen African States at Port Louis, Mauritius, with the mandate to prepare and adopt common rules called the Uniform Act on Arbitration (UAA) amongst other Uniform Acts (UAs) in a number of areas related to business as stipulated in the OHADA Treaty. The Uniform Act on Arbitration (UAA) provides a common legislation on arbitration for member states, which came either to fill a gap for the States that before did not have a legal text on arbitration or to replace the existing local national laws for the States that already had one, but were outdated. This enabled them to take their place in the arena of contemporary practice of arbitration, seen as an important element of the legal landscape of the world of business.

Adopted on March, 11, 1999 by the Council of Ministers, the OHADA lawmaker, at Ouagadougou Capital city of Burkina Faso, and entered into force on June, 11, 1999, 90 days later the Uniform Act on Arbitration sets out a new legal framework of arbitration for all member States and therefore became the law applicable in the member States. The OHADA Treaty signed on October 17, 1993 at Port Louis, Mauritius was later revised in revised in Quebec Canada, on October 17, 2008 with some far reaching implications. The Quebec revision introduced a major change to the OHADA structure by adding a new institution the Conference of Heads of State and of Government. It also introduced English, Portuguese and Spanish Languages as OHADA working languages. Port Louis, Mauritius Treaty had French as the only working language for OHADA.

The Common Court of Justice and Arbitration (*CCJA) as an OHADA institution created by the OHADA Treaty was to ensure that there is* a common court to interpret and monitor the

(Benin, Burkina Faso, Cameroon, Central African Republic, Chad, the Comoros, Democratic Republic of Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Guinea Bissau, Guinea, Mali, Niger, Senegal and Togo) Two subsequent signatories were added (Comoros and Guinea Bissau) making a total of 16 countries and later Democratic Republic of Congo in 2012. In all, 17 States are members of OHADA. See Yakubu, J.A., ***.Community Laws in lllternational Business Transactions*** **in Unified Business Laws** for Africa **Common Law Perspectives on** OHADA(Dickerson, C.M., *Ed)l'"Edn.* IEDP, London, (2012) .1

Other OHADA Uniforms Acts are on Insolvency (1998); Collective proceedings for the wiping up of debts (1999); Accountancy (2001-2002); Contracts for the carriage of goods by road (2004); Cooperative companies (2011); General commercial law (1998, revised in 2011); Security interests (1998, revised in 2011) and Uniform Act relating to Commercial Companies and Economic Interest Groups ("AUSCGIE"), adopted on January 1, 1998.

73 **Ndinga-Yocka, F. U.The features of the Arbitration Proceedings under the OHADA Uniform Act on Arbitration** *law,Global Scholars Journal of law and Conflict Resolution(2014)*Vol. I (1),.2

Article 9 ofOHADA Treaty, 1993

Article 35 ofUniformAct on Arbitration (UAA) law 1999

16 Other institutions of OHADA are *the Council of Ministers; The* Common Court of Justice and Arbitration (*CCJA) The Permanent Secretariat and Regional Training Centre for Legal Officers*

77 Article 27 ofOHADA Treaty, 2008

78 Article 43 ofOHADA Treaty, 2008

implementation of the OHADA Uniform Acts. The CCJA has two functions vis-a-vis OHADA laws: an arbitration centre and a Supreme Court for judgments delivered by national Courts of Appeal. As the court of last resort in terms of OHADA law, the CCJA plays a primary role in ensuring that there is uniform application of the OHADA laws in member states. In respect of interpretation of the Treaty, both the member states and the Council of Ministers may approach the court.Appeal to the court can either be instituted by one of the parties to the proceedings, or by referral from a national court. In line with the civil law tradition, the Treaty provides that the proceedings of the court shall be adversarial in nature. In relation to the enforcement of the court's decisions, the Treaty entrusts the member states with this function.The CCJA is based in Abidjan, Cote d'Ivoire ensures the uniform interpretation and application of the OHADA laws. It is composed of nine judges elected by the Council of Ministers for anon-renewable term of seven years.

In pursuance of its objectives OHADA operates through five institutions including the CCJA already discussed. The Conference of Heads of State and of Government as an institution was created by the Quebec Treaty is composed of the heads of state and of government of the member states. The head of state or government whose country takes the presidency of the Council of Ministers shall also take the presidency of this institution. This institution is a useful acknowledgement of the inevitable reality that any international arrangement, even one focused on commerce, has a political element. In the same vein, Council of Ministers is another OHADAA institution. The Council of Ministers has two functions or duties: administrative and regulation duties on one hand and of the legislative duties on the other hand. Under Article 27 of the Treaty, the legislative organ of OHADA is the Council of Ministers comprising the Ministers of Finance and Justice of each Member State. *The Permanent Secretariat as an OHADA Institution* is in charge of the administration of OHADA headquartered in Yaounde, Cameroon and has a technical and coordinating role. It assists the Council of Ministers in most of its tasks and, pursuant to Article 6 of the Treaty; it has the responsibilityof preparing draft Uniform Acts

79 Article 13-18 of the OHADA Treaty, 2008.
See Articles 13-18 of the OHADATreaty.
81 Article 14 of the OHADA Treaty.
82 Article 15 of the OHADA Treaty
83 Article 19oftheOHADATreaty
84 Article 20 of the OHADA Treaty
85 Article 38 of the OHADA Treaty
86 Article 27 of the OHADA Treaty
87 *Tumnde,M.S..Cameroon* **Offers a Contextual Approach to Understanding the OHADA Treaty and Uniform Acts in Unified Business Laws** for Africa **Common Law Perspectives on** OHADA(Dickerson, C.M., *Ed)2"dEdn.* IEDP, London, (2012) .58

in consultation with member states. The Permanent Secretariat is headed by the Permanent Secretary has a four year term, renewable once. The Permanent Secretariat and its employees enjoy diplomatic immunity to ease the execution of its *functions.TheRegional Training Centre for Legal Officer* is headed by a director appointed by the Council of Ministers for a limited term of office and is based in Porto Novo, Benin. This school is in charge of training legal professionals from member states with respect to the OHADA Uniform Acts and those areas that are covered by the OHADA reform. The objectives of ERSUMA are fourfold: first, to improve the legal environment among member states; second, to ensure the training of magistrates and other auxiliaries of the judiciary of member states in matters relating to the uniform business laws; third, to carry out research on African law in collaboration with the CCJA; and fourth, to accomplish all other missions conferred on it by the Council of Ministers.

6. Conclusion

It was established in this paper that traditional conflict resolution processes were part of a well-structured mechanism already in existence before the colonial incursions. Its deeply rooted characteristics ensured reconciliation and maintenance of social relationships amongst diverse African communities. Colonialism in Africa did not completely distort this traditional resolution framework as the process is still much alive in many communities till today. It is not in doubt that some individuals, families and communities still prefer indigenous conflict resolution as against the modem litigation process riddled with acrimony, technicalities, uncertainty and above all, winner-takes all mentality. In order not to be found lagging behind, Africa as a region has beefed up her stand in the resolution of disputes through ADR. This has led to the improvement made so far in the region by ensuring that global legal framework for the resolving disputes are adopted and domesticated. The likes of the Convention on the Settlement oflnvestment Disputes Between States and Nationals of Other States, United Nations Commission on International Trade Law (UNCITRAL Model Law) and New York Convention on the Recognition and Enforcement ofForeignArbitralAwards amongst other laws are evident

Today, Nigeria and many other countries in African countries have ratified most of the International arbitration legal framework, all in the bid to ensure that arbitral process in the

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88 *Tumnde, MS., opcit..63*

89 Article 40 of the OHADA Treaty

90 *Tumnde, M.S.,op cit., .63-64, See* Article 41 of the OHADA Treaty

91 Some of them are Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (ICSID Convention), the United Nations Commission on International Trade Law (UNCITRAL Model Law and Conciliation Rules); The New York Convention the Recognition and Enforcement of Arbitral Awards, the International Chambers of Commerce, Asian-African Legal Consultative Organisation (AALCO) amongst others.

continent is redefined so as to enhance the growth of arbitration in Africa. Apart from the ratification of the major International arbitration legal framework in Africa, countries in Africa have their municipal laws on arbitration.

6. Recommendations

There is no doubt that the society, ethnic groups or race have evolved peculiar ways through which they manage their affairs especially in the matter of conflict resolution. Over time, progress has been made in the entrenchment of arbitration and other forms of alternative dispute resolution in Africa. Steadily, the growth in the number of both commercial and investment arbitrations involving African parties, the proliferation of arbitral centres across Africa is testament to the increasing importance of arbitration as a means of dispute resolution on the continent. In order to maintain the current tempo in ensuring that alternative disputes resolution is used in African communities, the modernisation of domestic arbitration laws in Africa to meet the global best practices should encouraged. In this regard, this paper is of the view that a hybrid approach of both western and indigenous systems of conflicts management would address the challenges of the age-long conspiracies as to which of the disputes resolution is superior to each other. In the same vein, there is an urgent need to ensure that judges, lawyers and other stakeholders in the administration of justice must acquire deeper knowledge of the workings of arbitration and other forms of ADR. Such knowledge would be of immense benefits to disputants, African continent and above all, foreign concerns would be assured of adherence to global best practices in application of arbitration and other forms ofADR in resolving disputes.

[92] **Cairo Regional Centre for International Commercial Arbitration in** Egypt; **Arbitration Foundation of Southern Africa** in South Africa; **Common Court of Justice** & **Arbitration of OHADA** CCJA/OHADA in Ivory Coast; **N'Djamena Arbitration, Mediation and Conciliation Centre** in Chad; **CAMEC-CCIB (Centre of Arbitration of Mediation and Conciliationof the Chamber of Commerce and Industry of Benin** in Benin; **GICAM Arbitration and Mediation Centre** in Cameroon; **Kigali International Arbitration Centre (KIAC)** in Rwanda; **International Centre for Arbitration** & **Mediation, Abuja** in Nigeria; **Lagos Chamber of Commerce International Arbitration Centre** in Nigeria; **Centre Permanent d'arbitrage et de mediation du CADEV in** Cameroon; **Arbitration Centre ofGuineein** Guinea; **Lagos Court of Arbitration** in Nigeria **Nigerian Institute of Chartered Arbitrators** in Nigeria; **Centre for Conciliation** & **Arbitration of Tunis (CCAT) in** Tunisia; Ouagadougou Arbitration, Mediation & Conciliation Centre in Burkina Faso; Tanzania Institute of Arbitrators, Dar es Salaam (Tanzania); Nairobi Centre for International Arbitration Kenya and Centre de Mediation et d'Arbitrage de Niamey in Niger amongst others. See *Onyema*, E., 2020 Arbitration in Africa Survey Report Top African Arbitral Centres and Seats available at <https://eprints.soas.ac.uk > 2020Arbitration inAfr...pdf> (last accessed 20/10/2023), 12-13