



ARBITRATION & ALTERNATIVE DISPUTE RESOLUTION IN AFRICA

[AN INTERNATIONAL ARBITRATION & ADR SERVICE PROVIDER]

Client Guide

Heading	Page
I. Introduction	2
II. What is Arbitration & What is ADR	2
III. Advantages of Arbitration & ADR	4
IV. Who are we	5
V. Our Mission	6
VI. Our Vision	6
VII. Services to Clients	6
VIII. Fees and Charging Structure	8
IX. Use of Arbitrators & ADR Practitioners in Foreign Countries	9
X. Client Relations	9
XI. Lectures/Seminars and Language Skills	10
XII. Conflict of Interest in our assignment	10
XIII. Confidentiality	10
XIV. Short Profile of the President	11
XV. Where do you find us	12
XVI. Notes	12

INTRODUCTION

Disputes are inevitable in human relationships, whether in business, politics, government, community, religion, family, sport, etc. When disputes arise, as they usually do, it becomes necessary to seek out, in a civilized society, the most appropriate method and person[s] with the right skills and knowledge to resolve them. Arbitration/ADR has been found to be the most effective way to resolve disputes whether local or international.

WHAT IS ARBITRATION & WHAT IS ADR

Arbitration simply put is a process for the settlement of disputes between two or more persons [parties] who had previously agreed to be bound by the decision [award] of the umpire [arbitrator] appointed by them and whose decision shall be final and binding.

ADR is an acronym for Alternative Dispute Resolution. It is a range of processes which serve as alternatives to arbitration and litigation for the resolution of disputes, often but not necessarily, involving a neutral and impartial third party who assists the parties to reach a settlement.

In some jurisdictions Arbitration is seen as part of ADR, but it is safe to state that there is a distinction between the two. While Arbitration is an adjudicative dispute settlement process, and the decision binding, just as litigation in the law court, ADR process is non-adjudicative and the decision reached generally non-binding, unless the parties choose to honour it.

Arbitration/ADR has become so popular and sought-after globally in resolving disputes that its usage has now grown from settling disputes to managing conflicts in all its ramifications, negotiating contracts, formulating policies, decision-making, managerial tool, to personal development, transformation and recognition.

Many Arbitrators/ADR Practitioners claim to fall into different categories of dispute resolution practice such as commercial arbitration, investment arbitration, construction/property arbitration, maritime arbitration, family mediation, labour mediation, environment mediation, banking/finance conciliation, community conciliation, consumer conciliation, etc. These categories do not necessarily show whether a client is likely to get an Arbitrator/ADR Practitioner with the appropriate skill and knowledge. The prospective client would be taking the right decision, therefore, not to rely only on these classifications of Arbitration & ADR practice, but to find out more about the skill of the Arbitrator or ADR Practitioner which invariably reflects the standard of training, skill and knowledge. This information can easily be obtained, in an institutional arbitration, from the organization that is appointing the practitioner as most major Arbitration/ADR institutions have websites and panels of neutrals showing, inter alia, the qualifications and experience of their members. It may equally be advisable, at least for new and large-infrastructure project disputes, to hold face-to-face discussions with the practitioner to ascertain, among other things, the experience, qualifications and the intellectual ability, particularly in matters that require pioneering research. It will also assist the prospective client to obtain more information about the costs involved, and to find out whether there is any form of relationship between the practitioner and the other party/disputant including whether the practitioner had in the past rendered any form of service in connection with the subject matter in dispute.

It should be noted that once the practitioner has been appointed, either as a sole arbitrator or as a member of the arbitral tribunal, he or she is enjoined not to have any private communications regarding the subject matter with the client. The practitioner is similarly enjoined to focus his or her attention and energy at doing justice irrespective of the appointor.

ADVANTAGES OF ARBITRATION & ADR

The benefits of Arbitration/ADR vary from one country to another and these include but not limited to:

1. Decongestion of the law courts;
2. Elimination of delays in the law courts;
3. Decongestion of crowded prisons;
4. Equal accessibility to all irrespective of status, religion or tribe;
5. Hope and confidence to the very poor in the society that they would receive justice;
6. Promotion of quick and less expensive resolution of disputes;
7. Promotion of friendly and all parties involvement in resolution of disputes;
8. Promotion of better co-existence and harmony in communities;
9. Promotion of global civilized culture and peace
10. Promotion of higher economic investments.

Many institutions [governments, companies, etc.] today include ADR and Arbitration clauses in their contracts because they have realized that such clauses translate into effective risk management. By including ADR and Arbitration clauses, whether in domestic or international contracts, they can effectively avoid the costs and uncertainties of potential litigations [whether in a municipal/state or foreign law courts], the delays in litigations and are able to create a friendly, less formal and conducive environment for dispute resolution.

WHO ARE WE

Arbitration And Alternative Dispute Resolution [ADR] In Africa Associates [AAAAA or A⁵] otherwise known as and called **Arbitration & ADR In Africa** is a legally registered private sector institution providing leading-edge Arbitration & ADR services, consultancy, capacity-building, linkage and inter-institutional cooperation, globally with special focus and interest in Africa.

One of our cardinal objectives is the development, sustenance and use of Arbitration & ADR in Africa. We also focus our attention and energies not only on providing quality services but on the propagation of Arbitration/ADR culture and education in Africa.

AAAAA has over the years been in the fore front in the capacity-building of African Arbitrators & ADR Practitioners including potential practitioners. We have over the years trained and continue to train hundreds of Arbitrators, Mediators and other ADR Practitioners. We are also Consultants to a number of Governments and other intitutions in the establishment of Arbitration Centres, ADR Centres, Mediation Centres [Citizens Mediation Centres], Multi-Door Courthouses [Law Court Annexed], Dispute & Conflict Resolution Institutions and Panels, etc.

We have also organized and continue to organize international workshops, seminars and conferences in various countries in collaboration with other international Arbitration & ADR institutions including the United Nations. We had successfully organized and executed Arbitration & ADR workshops in all the four African regions, namely: Abuja Nigeria for the West African States with the Chartered Institute of Arbitrators Nigeria, the Regional Centre For International Commercial Arbitration Lagos Nigeria, the Federal Ministry of Justice of Nigeria, etc, in 2004; Johannesburg South Africa for the Southern African States with the United Nations and the Arbitration Foundation of Southern Africa, etc, in 2006; Nairobi Kenya for the East African States with the University of Nigeria, Mediation Institute Netherlands, etc, in 2007; and in Cairo Egypt for the North African States with the University of London [SOAS] United Kingdom, the Cairo Regional Centre For International Commercial Arbitration Cairo Egypt, the Emirates International Law Centre Dubai U.A.E, the Dubai International Arbitration Centre U.A.E, among others, in 2008. We continually seek to partner with international industry players in order to enhance the quality of our practice and capacity-building and to bring in the latest techniques and international standards in the general services we offer to the global community.

OUR MISSION

AAAAA's mission is to promote and facilitate the amicable and expeditious resolutions of disputes with special focus on Africa.

OUR VISION

AAAAA's vision is to be a global leader in Arbitration and Alternative Dispute Resolution [ADR].

SERVICES TO CLIENTS

In line with our avowed objective to provide clients with leading-edge arbitration and alternative dispute resolution service, consultancy, capacity-building, linkage, and inter-institutional cooperation and to promote the development, sustenance and use of Arbitration and ADR in Africa, AAAAA renders international quality services in the following areas:

1. Provision of Arbitrators' services. Only arbitrators with excellent qualifications, experience, competence and demonstrated capability are appointed or recommended.
2. Provision of ADR services. Only ADR Practitioners, Mediators, Conciliators, Evaluators, Regulators, Adjudicators, Ombudsmen, etc, with excellent qualifications, experience, competence and demonstrated capability are appointed or recommended.
3. Establishment of Arbitration & ADR Centres and Departments for governments, professional bodies, institutions, etc.
4. Setting up and administration of large, medium and small claims dispute resolution schemes
5. Capacity-building and educational training of potential Arbitrators and Alternative Dispute Resolution Practitioners.

6. Capacity-building, and continuous professional development [CPD] of qualified Arbitrators and ADR Practitioners.
7. Maintenance of a register of Arbitrators & ADR Practitioners [panel of neutrals] who may be recommended or appointed to render services.
8. Register of expert witnesses who may be recommended or appointed to render services
9. Provision of pre-hearing services which most times are necessary to determine the nature of the dispute and the most appropriate mode of settlement.
10. Provision of support to third party neutral in collecting and documenting memoranda necessary for Arbitration or ADR services.
11. Provision of third party neutral during sessions.
12. Provision of counsel services during sessions.
13. Provision of all necessary logistics for successful hearing, including arranging and contacting expert witnesses, choice of appropriate seats of hearings and hearings follow-up.
14. Provision of dispute management
15. Provision of research and analysis on conflicts and disputes.
16. Provision of pilot projects for Arbitration & ADR users to resolve disputes.
17. Provision for partnership with communities, world-wide, to build their conflict/dispute resolution capacity for resolving and healing from conflict/dispute situations.
18. Provision of conflict/dispute assessment design facilitation.
19. Provision for consultation and facilitation on implementing consensus-based community empowerment processes for public policy decisions.
20. Provision for restorative justice programme, truth and reconciliation commission services.

FEES AND CHARGING STRUCTURE

We recognize that a vital factor in relationships with clients generally is the level of our charges. It is our policy to charge our clients reasonable fees for the advice and work we do for them. We keep our charges highly competitive in relation to the rates charged by other Arbitrators & ADR practitioners or institutions. We generally aim to ensure that our clients receive good value for money and that we receive a fair reward for our skill. In charging fees we generally consider the complexity of the matter, the difficulty involved, the skill and labour, the specialized knowledge and responsibility involved, the urgency of the matter, the value of the transaction, the place where the matter is transacted and the financial ability of the client.

We are also keen to find ways to help our clients handle payment of our fees and, when appropriate, the practitioner managing the matter or another practitioner will discuss this with the client before commencement. Payment on account may also be requested where considerable research will be undertaken by us or our foreign associates, particularly where the work takes place outside the country.

In circumstances where the client affairs are required to be entirely handled by our overseas associates in other jurisdictions appointed by us [this is fairly unusual], we will arrange for our foreign colleagues to bill you directly although we always review such bills to ensure that they are in line with our charging structure.

In any event, we are always happy to discuss and agree in advance on a mutually acceptable basis the charging structure whether it is a service to be rendered entirely by us or in association with our foreign colleagues or entirely by our colleagues in other jurisdictions appointed by us.

USE OF ARBITRATORS & ADR PRACTITIONERS IN FOREIGN COUNTRIES

It is a condition precedent for appointment or recommendation that every Arbitrator or ADR Practitioner must be qualified and competent, and all our Arbitrators & ADR Practitioners are and have tremendous capacity for providing full Arbitration & ADR services. However, in those foreign jurisdictions where our Arbitrators & ADR Practitioners are not licenced to practice, we would require the services of other licenced practitioners to handle our clients' matters.

We have extensive knowledge of all the leading Arbitrators & ADR Practitioners both in Nigeria and in the overseas countries where we operate, having established relationships with many of them. After discussing the choice of a practitioner with the client, we will match the particular requirements of the dispute with the skill, qualifications and experience. We do not leave attending to the client at this stage, but will continue to follow up the matter to ensure that his/her interest is fully protected.

CLIENT RELATIONS

We believe it is vital that every client should be able to relate to one of us who will be familiar with that client's business and special needs. For this reason we allocate to every client a "Client Partner" who will be responsible for the overall relationship between the client and the firm, unless the client decides to relate to another partner.

We take complaints made against our niche firm or individual practitioners in the professional capacity very seriously. It is our policy to investigate complaints promptly and thoroughly. Should the client be unhappy with us, we encourage him/her not to hesitate to contact any of the practitioners or the President of the firm.

LECTURES/SEMINARS AND LANGUAGE SKILLS

Most of our practitioners have lectured and/or are still lecturing in Universities and other higher institutions of learning. We are always pleased to provide lectures, seminars, workshops, conferences, etc, to our clients specifically tailored to their needs, introducing their staff to modern concepts and their practical consequences with which they need to be familiar. To ensure a cost effective service to our clients, we have extensive information and research facilities and a comprehensive professional training programme. We have, within our niche firm, specialists in a number of business languages [French, German, Italian and Spanish] who facilitate our relationship with our foreign clients.

CONFLICT OF INTEREST IN OUR ASSIGNMENT

Occasionally, we do find out that we are unable to take up matters we are asked to do because we may have already been involved on behalf of another client. In the event of this happening, we shall decline the appointment as its acceptance might give rise to a conflict of interest. We shall, however, be willing to recommend another firm or practitioner to handle the matter. That we are unable to take up a particular dispute or matter because of conflict of interest does not mean that we will decline the client's other disputes or matters.

CONFIDENTIALITY

Confidentiality is the keystone of our relationship with clients. This is not just a principle under which we operate, but a requirement which enables the clients to rely on us implicitly and to be open in his/her discussions with us. It is our professional policy and principle not to state the identity of our clients or the work we have carried out for them and we have in line with this principle carefully avoided in this brochure the temptation of stating our successful track record.

SHORT PROFILE OF THE PRESIDENT



Professor C.J. Amasike is the President of AAAAAA. Among other qualifications and memberships, he holds the Bachelor of Laws, LL.B Hons, [Upper Second Class] 1980, from the University of Jos - Nigeria, Master of Laws, LL.M, [Best Graduating Student in the Faculty] 1990, from University of Nigeria, a Doctor of Philosophy, Ph.D, 1993 [British Commonwealth Scholar] from University of Kent, England. He also holds a Post-Graduate Diploma in Business Management, 1993, from Jersey, [Distinction], a Post-Doctoral Diploma from Harvard University U.S.A, in Privatization and Commercialization [Best Graduating Student] 2000, and an alumnus of the Oxford University United Kingdom & the Chartered Institute of Arbitrators' International Commercial Arbitration Diploma Programme, 2007. He is a Fellow and an Arbitrator of the Chartered Institute of Arbitrators Nigeria, Member and Arbitrator Chartered Institute of Arbitrators United Kingdom, Chartered Mediator ADR Group United Kingdom, Fellow Chartered Institute of Public Administrators, Member London Court of International Arbitration, Consultant & Arbitrator South African Arbitration Foundation Johannesburg-South Africa, Arbitrator/ADR Practitioner Abuja Multi-Door Court House Nigeria, Arbitrator/Conciliator & Mediator Regional Centre For International Commercial Arbitration Lagos - Nigeria, Member International Arbitration Institute Paris-France, Member International Bar Association, Member International Association of Penal Law, Consultant to the United Nations, and a Notary Public. He had worked as Special Adviser to the Honourable Attorney-General of the Federation and Minister of Justice and at different times was Chairman of various Federal Government of Nigeria Committees and Panels. He was previously an Executive Director in a Bank, Director/Research Fellow in the Nigerian National Electric Power Authority [NEPA], Vice-President Abuja Chamber of Commerce, Industry and Mines, Nigeria, Senior Lecturer and Head of Department of Public And International Law at the University of Abuja, Nigeria and Professor of Law and Arbitration at the Igbinedion University, Okada, Edo State Nigeria. He is an author, speaker at several international and local conferences and Visiting Professor to a number of local and foreign Universities.

WHERE DO YOU FIND US

50, Julius Nyerere Crescent,
[Next To The World Bank]
Asokoro, Abuja - Nigeria.

E-mails: info@adrinafrica.com
info@arbafrica.com
resolverafrica@yahoo.com

Telephones: +234-9-870-3344, +234-9-810-3345,
+234-9-3141818, +234-9-313000

Mobile : +234-803-7035-989, +234-805-2128-458

Website: www.adrinafrica.com



ARBITRATION AND ADR IN AFRICA.

**... providing leading - edge arbitration and
alternative dispute resolution service, consultancy,
capacity - building, linkage
and inter-institutional cooperation, in Africa.**

ADDRESS

50 Julius Nyerere Crescent, [Next To The World Bank] Asokoro, Abuja-Nigeria.

Telephones: +234[9]870-3344, +234[9]870-3345
+234-9-3141818, +234-9-313000

Mobile/Cell Phones: +234 [0]803-7035-989, +234[0]805-2128-456.

E-mails: info@adrinafrica.com, info@arbafric.com,
resolverafrica@yahoo.com

Website : www.adrinafrica.com