

Nigeria ratifies the Singapore Convention on Mediation

On 27 November 2023, Nigeria became the thirteenth country/State to ratify the Singapore Convention on Mediation. The Convention will enter into force in Nigeria on 27 May 2024.

The Singapore Convention on Mediation facilitates international trade and promotes mediation as an alternative and effective method of resolving commercial disputes by providing an effective mechanism for the enforcement of international settlement agreements resulting from mediation.

Nigeria ratified the 1958 New York Convention on Recognition and Enforcement of Foreign Arbitral Awards since 1988. Nigeria recently passed a new law on Arbitration and Mediation Act 2023, which repeals its old arbitration law. This demonstrates that Nigeria is interested in being a global hub for international commercial dispute settlement. Indeed, on 23 November 2023, on the invitation of the the Nigerian Group of Private International Law, Professor Adewale Olawoyin delivered a lecture on how the new Arbitration and Mediation Act will enhance Nigeria's adjudication appeal. One of the points he mentioned was the need for Nigeria to also ratify the Singapore Convention on Mediation as it did with the 1958 New York Convention, which the Nigerian government has now done.

It remains to be seen whether Nigeria will ratify the Hague 2005 (on Choice of Court) and 2019 (on Recognition and Enforcement of Foreign Judgments) Convention as well. One of the points that I have stressed in recent times is for Nigeria and Africa to make itself very attractive for adjudication. For example, it is unacceptable that high value government matters that involve African resources are resolved in the global North, like London and Paris. This is a point Professor Richard Frimpong Oppong has also stressed in the context of choice of law, in the Pan African Conference on Choice of Law in International Commercial Contracts, that held on 31 May 2023 to 3 June 2023 at the University of Johannesburg.

I have also stressed elsewhere that if Nigerian and African courts and arbitral

panels want to compete favourably with other countries outside the continent in attracting litigation and arbitration business to the continent, serious institutional reforms would be required. Issues such as infrastructure, quality of the legal system, funding, delays, regular training, and corruption in the judiciary will have to be addressed. If these issues are addressed, ratification of international instruments would make Nigeria and Africa attractive and effective for adjudication. In turn this will generate a lot of revenue for Nigeria and Africa, and Nigerian and African lawyers, judges and arbitrators stand to benefit the most by increased demand from foreign clients for their services. This will consequently improve Nigeria and Africa's economy. Indeed, Nigeria and African countries already have talented persons that can bring this to fruition.

The time to act is now.