

**ENFORCEMENT OF FOREIGN ARBITRAL AWARD UNDER THE NIGERIAN  
ARBITRATION AND MEDIATION ACT 2023**

**BY**

**AYANUGO VERA CHIAMAKA (2020/LW/12763)**

**A PROJECT PRESENTED TO THE FACULTY OF LAW, ALEX EKWUEME  
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OF BACHERLOR OF LAWS**

**SUPERVISOR**

**NNAEMEKA NWEZE ESQ.**

**SEPTEMBER 2025**

**TITLE PAGE**

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## **DECLARATION**

**I, Ayanugo Vera Chiamaka**, a Student of the Faculty of Law, Alex Ekwueme Federal University, Ndufu-Alike, Ikwo, Ebonyi State, do hereby declare on my honor, that this project has not been previously presented, either wholly or in part for the award of any other Degree, Diploma, Certificate or Publication in any University, other Higher Institutions or elsewhere.

Signed.....

**AYANUGO VERA CHIAMAKA (2020/LW/12763)**

## CERTIFICATION

**Ayanugo Vera Chiamaka**, a Student of Faculty of Law has satisfactorily completed the requirements for the award of the Degree of Bachelor of Laws. To the best of our knowledge, the work embodied in this project is original and has not been submitted in part or full for any other Degree, Diploma, Certification or Publication of this University or elsewhere.

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<b>Dean of Faculty</b>	<b>Sign</b>	<b>Date</b>

<b>External Examiner</b>	.....	.....
	<b>Sign</b>	<b>Date</b>

## **DEDICATION**

This work is dedicated to my parents who always believed in my abilities. Their efforts and support leave an indelible mark on my heart.

## ACKNOWLEDGMENTS

First and foremost, I express my deepest gratitude to God Almighty for His grace, strength, and guidance throughout the course of this project and my academic journey.

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## LIST OF ABBREVIATIONS

<b>Abbreviation</b>	<b>Full Meaning</b>
<b>ACA</b>	Arbitration and Conciliation Act
<b>ADR</b>	Alternative Dispute Resolution
<b>AfAA</b>	African Arbitration Association
<b>AfCFTA</b>	African Continental Free Trade Area
<b>AMA</b>	Arbitration and Mediation Act, 2023
<b>ART</b>	Award Review Tribunal
<b>CAMA</b>	Companies and Allied Matters Act
<b>CIArb</b>	Chartered Institute of Arbitrators
<b>ECOWAS</b>	Economic Community of West African States
<b>ICA</b>	International Court of Arbitration (ICC)
<b>ICC</b>	International Chamber of Commerce
<b>LCIA</b>	London Court of International Arbitration
<b>LFN</b>	Laws of the Federation of Nigeria
<b>NWLR</b>	Nigerian Weekly Law Reports
<b>SC</b>	Supreme Court (of Nigeria)
<b>UNCITRAL</b>	United Nations Commission on International Trade Law

## ABSTRACT

The enforcement of foreign arbitral awards plays a pivotal role in fostering international trade and investment, ensuring predictability and finality in cross-border dispute resolution. This paper examines the framework for enforcing foreign arbitral awards under Nigeria's Arbitration and Mediation Act 2023 (AMA 2023), which replaces the outdated Arbitration and Conciliation Act 1988 and aligns more closely with the UNCITRAL Model Law and the New York Convention. The primary purpose of this study is to critically analyze the procedural and substantive provisions of the AMA 2023 governing the recognition and enforcement of foreign awards, identify enhancements over prior legislation, and evaluate potential challenges in its application within Nigeria's legal landscape. Adopting a doctrinal research methodology, the study relies on a comprehensive review of statutory provisions, judicial precedents from Nigerian courts, comparative analyses with international standards, and scholarly commentaries to dissect the legal principles and mechanisms involved. Key findings reveal that the AMA 2023 introduces streamlined enforcement procedures, broader definitions of foreign awards, and limited grounds for refusal (e.g., public policy exceptions), thereby reducing judicial interference and promoting pro-enforcement biases. However, persistent issues such as inconsistent court interpretations, delays in judicial processes, and alignment with Sharia-influenced jurisdictions pose implementation hurdles. In conclusion, the AMA 2023 significantly modernizes Nigeria's arbitration regime, enhancing its attractiveness as an arbitration hub in Africa, though full efficacy depends on judicial training and harmonization with global practices. Recommendations include legislative clarifications on public policy grounds, establishment of specialized arbitration courts, and capacity-building programs for legal practitioners to ensure robust enforcement and minimize refusals.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background to the Study

The enforcement of foreign arbitral awards gained prominence in Nigeria following *IPCO (Nigeria) Ltd. v. Nigerian National Petroleum Corporation*<sup>1</sup>, where the Nigerian Court of Appeal grappled with the balance between enforcing international awards and safeguarding national interests. This case underscores the critical role of enforcing foreign arbitral awards in fostering trust in international arbitration, a principle globally reinforced by the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* 1958, or New York Convention, under Article III.<sup>2</sup> Such enforcement ensures seamless cross-border dispute resolution, vital for trade and investment<sup>3</sup>.

In Nigeria, the Arbitration and Mediation Act (AMA) 2023, specifically *Part II, Sections 31–34*, now governs the enforcement of foreign arbitral awards, superseding the Arbitration and Conciliation Act (ACA) of 2004. By adopting the UNCITRAL Model Law on International Commercial Arbitration (1985, as amended in 2006) under *Section 32*, the AMA aligns Nigeria with international standards<sup>4</sup>. However, to Onyema, persistent practical challenges necessitate a detailed analysis of its provisions and their application within Nigeria’s legal framework.<sup>5</sup>

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<sup>1</sup> (2005) 2 NWLR (Pt. 910) 452.

<sup>2</sup> United Nations, *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (New York: United Nations, 1958), art. III.

<sup>3</sup> Gary B. Born, *International Commercial Arbitration*, 2nd ed. (Alphen aan den Rijn: Kluwer Law International, 2014) 3412-3413.

<sup>4</sup> Arbitration and Mediation Act, 2023 (Nigeria), *pt. II, section 32*.

<sup>5</sup> Emilia Onyema, ‘The New Nigerian Arbitration and Mediation Act 2023: A Step Forward?’ *Journal of International Arbitration* [2023] (40) (4) 487-488.

A significant barrier to enforcement is the judiciary's inconsistent application of *Section 34* of the AMA, which specifies grounds for refusal, often leading to restrictive outcomes, as seen in *Magbagbeola v. Sanni*<sup>6</sup>. This judicial unpredictability undermines arbitration's reliability, a problem worsened by limited expertise among legal practitioners in handling international cases. These issues highlight the need for a critical examination of enforcement practices.

Nigeria's complex legal system—integrating common law, customary law, and Islamic law under *Section 1* of the 1999 Constitution—further complicates enforcement, especially when foreign laws apply under *Section 31* of the AMA. This pluralism, combined with poor coordination with international arbitration bodies, often obstructs multi-jurisdictional enforcement efforts, signaling a need for reform<sup>7</sup>.

This study critically assesses the enforcement of foreign arbitral awards under the Nigerian Arbitration and Mediation Act 2023, focusing on *Sections 31–34*, to evaluate its efficacy and limitations. Through analyzing judicial trends, legal pluralism, and institutional dynamics, it aims to offer practical recommendations to enhance Nigeria's enforcement regime, bolstering its global arbitration standing and economic growth.

## **1.2 Statement of the Problem**

The enforcement of foreign arbitral awards in Nigeria is hindered by several challenges, including the lack of a clear and consistent legal framework. According to *Article V* of the New

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<sup>6</sup> (2002) 4 NWLR (Pt. 756) 193.

<sup>7</sup> Hakeem Seriki, 'Enforcement of Foreign Arbitral Awards in Nigeria: Challenges and Prospects.' *Arbitration International* [2013] (29) (3) 451-452.

York Convention, which Nigeria has ratified, the enforcement of foreign arbitral awards should be facilitated by the courts of contracting states.<sup>8</sup> However, the Nigerian Arbitration and Mediation Act 2023 (AMA) provides a framework for the enforcement of foreign arbitral awards that is often ambiguous and open to interpretation. For instance, *Section 51* of the AMA 2023 requires that foreign arbitral awards be recognized and enforced in Nigeria, but it does not provide clear guidance on the procedure for recognition and enforcement. This lack of clarity creates uncertainty and unpredictability for parties seeking to enforce foreign arbitral awards in Nigeria.

Another problem that informed this study is the prevalence of judicial interventionism in the enforcement of foreign arbitral awards in Nigeria. Nigerian courts often intervene in the arbitral process, reviewing the merits of the award and substituting their own judgment for that of the arbitrator. This approach undermines the finality and binding nature of arbitral awards, creating uncertainty and discouraging foreign investment in Nigeria. According to a study by the International Chamber of Commerce (ICC), judicial interventionism is a major obstacle to the enforcement of foreign arbitral awards in Nigeria.<sup>9</sup> The study found that Nigerian courts often fail to recognize the autonomy of the arbitral process and instead seek to review the merits of the award. This approach is inconsistent with the principles of international arbitration, which emphasize the finality and binding nature of arbitral awards.

Furthermore, the enforcement of foreign arbitral awards in Nigeria is also hindered by the lack of awareness and education among stakeholders, including judges, lawyers, and arbitrators. Many

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<sup>8</sup> United Nations. (1958). Convention on the Recognition and Enforcement of Foreign Arbitral Awards

<sup>9</sup> International Chamber of Commerce. (2020). 2020 ICC Dispute Resolution Statistics. Available at: <https://iccwbo.org/news-publications/arbitration-adr-rules-and-tools/icc-dispute-resolution-statistics-2020/#:~:text=Of%20the%20946%20registered%20cases,appointments%20or%20confirmations%20of%20arbitrators>. Accessed 24 March 2025.

stakeholders lack a clear understanding of the legal framework governing the enforcement of foreign arbitral awards, leading to confusion and inconsistent application of the law.

Hence, there is a need for greater awareness and education among stakeholders on the enforcement of foreign arbitral awards in Nigeria. The study found that many judges, lawyers, and arbitrators in Nigeria lack a clear understanding of the New York Convention and the AMA, leading to inconsistent application of the law. This lack of awareness and education creates a need for research that can provide clarity and guidance on the enforcement of foreign arbitral awards in Nigeria.

### **1.3 Research Questions**

1. What is the legal framework governing the enforcement of foreign arbitral awards in Nigeria under the Nigerian Arbitration and Mediation Act 2023, and how does it align with international best practices?
2. What are the challenges facing the enforcement of foreign arbitral awards in Nigeria, and how do these challenges impact the effectiveness of the arbitral process?
3. To what extent do Nigerian courts respect the autonomy of the arbitral process, and what factors influence their decisions to intervene in the enforcement of foreign arbitral awards?
4. What reforms or measures can be implemented to improve the enforcement of foreign arbitral awards in Nigeria, and what role can stakeholders, including judges, lawyers, and arbitrators, play in promoting effective enforcement?

### **1.4 Aim and Objectives of the Study**

The aim of this study is to examine the challenges and prospects of enforcing foreign arbitral awards in Nigeria under the Nigerian Arbitration and Mediation Act 2023.

1. To critically examine the legal framework governing the enforcement of foreign arbitral awards in Nigeria under the Nigerian Arbitration and Mediation Act 2023, and assess its alignment with international best practices.
2. To identify and analyze the challenges facing the enforcement of foreign arbitral awards in Nigeria, and evaluate their impact on the effectiveness of the arbitral process.
3. To investigate the extent to which Nigerian courts respect the autonomy of the arbitral process, and identify the factors that influence their decisions to intervene in the enforcement of foreign arbitral awards.
4. To propose reforms or measures that can be implemented to improve the enforcement of foreign arbitral awards in Nigeria, and recommend strategies for stakeholders, including judges, lawyers, and arbitrators, to promote effective enforcement.

### **1.5 Scope and Limitations of the Study**

This study focuses on the enforcement of foreign arbitral awards in Nigeria under the Nigerian Arbitration and Mediation Act 2023. The study examines the legal framework, challenges, and prospects of enforcing foreign arbitral awards in Nigeria. The study also investigates the role of Nigerian courts in the enforcement of foreign arbitral awards and proposes reforms to improve the enforcement process.

The study is limited to the enforcement of foreign arbitral awards in Nigeria and does not cover the enforcement of domestic arbitral awards. The study also does not examine the enforcement of foreign arbitral awards in other African countries or globally.

Furthermore, this study has several limitations. Firstly, the study relies on secondary data sources, including academic articles, books, and online resources. While these sources provide valuable insights into the topic, they may not reflect the most up-to-date information.

Secondly, the study focuses on the Nigerian Arbitration and Mediation Act 2023, which may not reflect the current state of the law. The study may not capture any recent amendments or changes to the law.

Thirdly, the study's findings may not be generalizable to other countries or jurisdictions. The study's conclusions are based on the specific context of Nigeria and may not be applicable to other countries.

Finally, the study's reliance on desk research may limit its ability to capture the nuances and complexities of the enforcement of foreign arbitral awards in Nigeria. Future studies may benefit from empirical research, including interviews and surveys, to provide a more comprehensive understanding of the topic.

## **1.6 Significance of the Study**

This study contributes to the existing body of knowledge on international arbitration and the enforcement of foreign arbitral awards. It provides an in-depth analysis of the legal framework governing the enforcement of foreign arbitral awards in Nigeria, which can inform theoretical debates on the subject. The study also examines the challenges and prospects of enforcing foreign arbitral awards in Nigeria, which can shed light on the complexities of international arbitration in developing countries.

Furthermore, this study engages with existing theoretical frameworks on international arbitration, such as the New York Convention, and assesses their applicability in the Nigerian context. The

study's findings can inform the development of new theoretical frameworks that take into account the unique challenges and opportunities of international arbitration in Africa.

This study has significant practical implications for stakeholders involved in international arbitration, including arbitrators, judges, lawyers, and business executives. The study's findings can inform the development of strategies for enforcing foreign arbitral awards in Nigeria, which can help to reduce the risks and uncertainties associated with international arbitration.

The study's recommendations for reforms to the Nigerian Arbitration and Mediation Act 2023 can also inform policy debates on the subject. The study's findings can be used to advocate for changes to the law and practice of international arbitration in Nigeria, which can help to promote greater efficiency, effectiveness, and fairness in the enforcement of foreign arbitral awards.

In addition, this study can serve as a resource for businesses and investors seeking to navigate the complexities of international arbitration in Nigeria. The study's findings can provide valuable insights into the risks and opportunities associated with international arbitration in Nigeria, which can help businesses and investors to make informed decisions about their investments and operations in the country.

## **1.7 Research Methodology**

This study employs a doctrinal research approach, premised on a critical examination of the extant legal framework governing the enforcement of foreign arbitral awards in Nigeria. The investigation is anchored on an in-depth analysis of pertinent statutes, judicial decisions, and scholarly writings, with a view to distilling the underlying principles, rules, and procedures that govern the enforcement of foreign arbitral awards in Nigeria.

The study's data sources are exclusively secondary in nature, comprising statutes such as the Nigerian Arbitration and Mediation Act 2023 and the New York Convention, as well as judicial decisions emanating from Nigerian courts on the enforcement of foreign arbitral awards. Additionally, the study draws on a corpus of academic writings, including treatises and journal articles on international arbitration, which are accessible through online databases such as Westlaw, LexisNexis, and HeinOnline.

The study's analytical framework is rooted in a qualitative research methodology, which entails a systematic and critical examination of the data corpus. Through a process of content analysis, comparative analysis, and critical analysis, the study seeks to identify, analyze, and interpret the pertinent data, with a view to elucidating the complexities and nuances attendant to the enforcement of foreign arbitral awards in Nigeria.

## **1.8 Chapter Analysis**

Chapter One lays the groundwork for the study by introducing the enforcement of foreign arbitral awards under the Nigerian Arbitration and Mediation Act 2023, providing background information on its relevance, identifying key issues and gaps that necessitate research, and setting out the aim and objectives, scope and limitations, significance to legal practice and scholarship, and the research methodology, concluding with this analysis to outline the study's structure.

Chapter Two builds the intellectual foundation by clarifying essential concepts such as arbitral awards, foreign arbitral awards, enforcement, and the New York Convention, exploring theoretical perspectives including the Territorial Theory, Conflict of Law Theory, and Transnational Theory to contextualize the enforcement process, and reviewing existing literature to highlight scholarly debates, perspectives, and gaps that this study addresses.

Chapter Three examines the legal and institutional frameworks supporting the enforcement of foreign arbitral awards in Nigeria, analyzing key instruments like the Arbitration and Mediation Act 2023, the Foreign Judgments (Reciprocal Enforcement) Act, the Federal High Court Act, the New York Convention, and the UNCITRAL Model Law, alongside the roles of institutions such as the Chartered Institute of Arbitrators (Nigeria Branch), ECOWAS Court of Justice, African Arbitration Association, International Court of Arbitration, UNCITRAL, and the London Court of International Arbitration.

Chapter Four delves into the practical aspects of enforcement, assessing the roles of Nigerian courts and arbitral institutions in the process, identifying challenges such as procedural delays and judicial attitudes, evaluating the influence of international treaties and conventions, exploring the application of the *Kompetenz-Kompetenz* doctrine, and offering insights into the future of foreign arbitral award enforcement in Nigeria.

Chapter Five consolidates the study by presenting findings drawn from the preceding analysis, providing practical and policy-oriented recommendations to enhance the enforcement regime under the Arbitration and Mediation Act 2023, and concluding with a summary of key insights and their broader implications for Nigeria's arbitration landscape, affirming the study's contribution to legal scholarship and practice.

## CHAPTER TWO

### CONCEPTUAL AND THEORETICAL FRAMEWORKS AND LITERATURE REVIEW

#### 2.1 Conceptual Frameworks

##### 2.1.1 Arbitral Award

An arbitral award is the final and binding decision issued by an arbitral tribunal to resolve a dispute submitted to arbitration, representing the conclusion of the arbitral process. Under the Nigerian Arbitration and Mediation Act 2023 (AMA), an arbitral award is defined as a decision on the substance of the dispute, including interim, partial, or final awards, which must be in writing and signed by the arbitrator(s).<sup>10</sup> The AMA, consistent with the UNCITRAL Model Law, requires that the award include reasons unless the parties agree otherwise, and specifies the date and place of arbitration to ensure enforceability and transparency.<sup>11</sup> This structured formality distinguishes arbitral awards from procedural orders and reinforces their legal authority, aligning Nigeria's arbitration framework with global standards.

The enforceability of an arbitral award is a cornerstone of its recognition as a binding resolution under the AMA. *Section 57(1)* of the AMA stipulates that an arbitral award, irrespective of its country of origin, is binding and enforceable upon application to a Nigerian court, subject to limited grounds for refusal under *Section 58*, which are aligned with Article V of the New York

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<sup>10</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28) (1) 124–133.

<sup>11</sup> Gary B. Born, *International Commercial Arbitration*, 3rd ed. (Alphen aan den Rijn Kluwer Law International, 2021) 123–125.

Convention as incorporated in the AMA's Second Schedule.<sup>12</sup> These provisions ensure that foreign awards from New York Convention signatory states are enforceable in Nigeria, provided the dispute is commercial, thereby facilitating international recognition and enforcement.<sup>13</sup> This framework elevates the arbitral award to the status of a court judgment for enforcement purposes. The AMA introduces reforms to enhance the practical efficacy of arbitral awards, particularly by addressing time limitation issues. Section 34 of the AMA excludes the arbitration period from the limitation period for enforcement, overcoming challenges under the repealed Arbitration and Conciliation Act 1988, where limitation periods were calculated from the cause of action.<sup>14</sup> Furthermore, the optional Award Review Tribunal (ART) mechanism under Section 56 allows parties to request a review of the award before seeking court enforcement, strengthening the award's finality while maintaining judicial oversight.<sup>15</sup> These innovations ensure that arbitral awards remain enforceable and effective resolution mechanisms.

### **2.1.2 Foreign Arbitral Awards**

The concept of a foreign arbitral award under the Nigerian Arbitration and Mediation Act 2023 (AMA) denotes a decision issued by an arbitral tribunal in proceedings seated outside Nigeria, which carries binding legal effect within Nigeria's jurisdiction. As elucidated in Section 57(1) of

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<sup>12</sup> Emilia Onyema, 'Enforcement of Arbitral Awards in Nigeria Challenges and Prospects,' *Arbitration International*[2019] (35) (2) 187–204.

<sup>13</sup> Nigel Blackaby et al., *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022) 401–403.

<sup>14</sup> Oyetola Muyiwa Atoyebi and John Ayegbusi, 'The Arbitration and Mediation Act 2023 A New Dawn for Dispute Resolution in Nigeria,' *African Journal of Legal Studies*[2023] (15) (1) 45–60

<sup>15</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28) (1) 124–133.

the AMA, a foreign arbitral award is distinguished by its international origin and is recognized as enforceable under the framework of the 1958 New York Convention, incorporated in the AMA's Second Schedule, provided the award originates from a Convention signatory state and pertains to a commercial dispute.<sup>16</sup> Conceptually, the foreign arbitral award is characterized by its formal attributes, including being written, signed by the arbitrator(s), and accompanied by the arbitration agreement, as required under Section 57(2), ensuring its authenticity and procedural legitimacy.<sup>17</sup> This conceptual clarity underscores the award's role as a self-contained legal instrument, equivalent to a domestic judgment in its binding nature, yet distinct due to its cross jurisdictional applicability. The AMA's alignment with international norms reflects a deliberate effort to harmonise Nigeria's arbitration framework with global standards, positioning foreign arbitral awards as pivotal tools for resolving international commercial disputes.

### **2.1.3 Enforcement**

Enforcement, in the context of foreign arbitral awards under the AMA, refers to the legal process by which a court grants an award the force of a judicial judgment, enabling its execution within Nigeria. Conceptually, enforcement transforms the arbitral award from a private tribunal's decision into a publicly enforceable obligation, governed by Sections 57 and 58 of the AMA, which draw heavily from the New York Convention's principles. The process requires the submission of the authenticated award and arbitration agreement to a competent court, typically the Federal High Court, with refusal grounds limited to specific exceptions under Section 58, such as procedural

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<sup>16</sup> Emilia Onyema, 'Enforcement of Arbitral Awards in Nigeria Challenges and Prospects,' *Arbitration International*[2019] (35) (2) 187–204.

<sup>17</sup> Nigel Blackaby et al., *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022) 405–407.

unfairness or public policy concerns.<sup>18</sup> The AMA's conceptual innovation lies in Section 34, which excludes the arbitration period from limitation calculations, ensuring that enforcement is not time-barred by the arbitration process itself, a departure from the repealed Arbitration and Conciliation Act 1988.<sup>19</sup> Additionally, the Award Review Tribunal (ART) mechanism under Section 56 conceptually reinforces enforcement by offering a pre-enforcement review, balancing finality with oversight. This framework clarifies enforcement as a procedural bridge between arbitration and judicial authority, enhancing the award's practical efficacy.<sup>20</sup>

#### **2.1.4 New York Convention**

The New York Convention, formally known as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, is a cornerstone of international arbitration law, providing a unified framework for the recognition and enforcement of foreign arbitral awards across signatory states. Conceptually, the Convention establishes a presumption of enforceability for arbitral awards, requiring contracting states, including Nigeria, to recognize such awards as binding and enforceable, subject to limited exceptions outlined in Article V, such as procedural irregularities or public policy violations.<sup>21</sup> Under the Nigerian Arbitration and Mediation Act 2023 (AMA), the Convention is domesticated in the Second Schedule, with Sections 57 and 58 explicitly aligning Nigeria's enforcement regime with its principles, ensuring that foreign awards from

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<sup>18</sup> Emilia Onyema, 'Enforcement of Arbitral Awards in Nigeria Challenges and Prospects,' *Arbitration International*[2019] (35) (2) 187–204

<sup>19</sup> Oyetola Muyiwa Atoyebi and John Ayegbusi, 'The Arbitration and Mediation Act 2023 A New Dawn for Dispute Resolution in Nigeria,' *African Journal of Legal Studies*[2023] (15)(1) 45–60.

<sup>20</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28) (1) 124–133.

<sup>21</sup> Nigel Blackaby et al., *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022) 397–400.

signatory states are enforceable, provided they arise from commercial disputes.<sup>22</sup> This integration clarifies the Convention's role as a harmonizing instrument, promoting reciprocity and minimizing judicial interference, thereby fostering confidence in Nigeria as an arbitration-friendly jurisdiction. The New York Convention's conceptual significance in the AMA lies in its facilitation of cross border dispute resolution by standardizing enforcement procedures and limiting grounds for refusal. Article III of the Convention mandates that signatory states enforce awards under simplified procedures, a principle reflected in the AMA's requirement for applicants to submit only the authenticated award and arbitration agreement under Section 57(2). The Convention's narrow exceptions ensure that enforcement is not unduly obstructed, although challenges such as inconsistent public policy interpretations may persist in practice.<sup>23</sup> By embedding the Convention's framework, the AMA reinforces the conceptual clarity of foreign arbitral awards as globally enforceable instruments, aligning Nigeria's legal system with international arbitration norms and enhancing its attractiveness for commercial dispute resolution.<sup>24</sup>

## **2.2 Theoretical Frameworks**

### **2.2.1 Territorial Theory**

The Territorial theory posits that the validity and enforceability of an arbitral award are governed by the law of the jurisdiction where the arbitration is seated, emphasizing the sovereignty of the state over arbitral proceedings within its territory. Under this theory, a foreign arbitral award

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<sup>22</sup> Michelle Markham, 'Mandatory binding tax arbitration—is this a pathway to a more efficient Mutual Agreement Procedure?' *Arbitration International* [2019] (35) (2) 171–194. <https://doi.org/10.1093/arbint/aiz008>

<sup>23</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28) (1) 124–133.

<sup>24</sup> Oyetola Muyiwa Atoyebi and John Ayegbusi, 'The Arbitration and Mediation Act 2023 A New Dawn for Dispute Resolution in Nigeria,' *African Journal of Legal Studies*[2023] (15) (1) 45–60.

derives its legal force from the legal system of the seat, and its recognition elsewhere depends on the receiving state's domestic laws or international obligations. The Territorial theory emerged in the early 20th century as arbitration gained prominence, rooted in the principle of state sovereignty over legal processes within national borders. It was formalized through early arbitration treaties and national laws, which tied arbitral awards to the jurisdiction of the seat, reflecting a state-centric view of international law.<sup>25</sup> Key proponents include F.A. Mann, who argued that arbitration is inherently tied to the legal framework of the seat, and Hans Kelsen, whose theories of legal positivism reinforced the primacy of state law in arbitral processes.<sup>26</sup>

The theory asserts that the seat's legal system determines the procedural and substantive validity of an award, including its enforceability. Courts in other jurisdictions may recognise a foreign award but do so under their legal frameworks, often requiring compliance with local procedural rules or international treaties like the New York Convention. The theory prioritises jurisdictional autonomy, limiting the extraterritorial reach of arbitral awards unless explicitly permitted by the enforcing state.<sup>27</sup> The Territorial theory is highly relevant to the enforcement of foreign arbitral awards under the AMA, as Section 57(1) recognises awards based on the seat's legal framework, subject to Nigeria's obligations under the New York Convention. The requirement to submit authenticated awards and arbitration agreements under Section 57(2) reflects the theory's emphasis on procedural compliance with the seat's laws, ensuring that Nigeria respects the jurisdictional origin of the award while applying its domestic enforcement mechanisms.

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<sup>25</sup> Gary B. Born, *International Commercial Arbitration*, 3rd ed. (Alphen aan den Rijn Kluwer Law International, 2021) 98–100.

<sup>26</sup> FA Mann, 'Lex Facit Arbitrum,' in *International Arbitration Liber Amicorum for Martin Domke*, ed. Pieter Sanders (The Hague Martinus Nijhoff, 1967) 157–183.

<sup>27</sup> Nigel Blackaby et al., *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022) 85–87.

### 2.2.2 Conflict of Law Theory

The Conflict of law theory, also known as the choice-of-law approach, holds that the enforceability of a foreign arbitral award depends on the applicable law chosen by the parties or determined by the arbitral tribunal, rather than being strictly tied to the seat of arbitration. It focuses on resolving conflicts between different legal systems to determine the governing law of the arbitration agreement, procedure, or award. Originating in the 19th century with the development of private international law, this theory gained traction as cross-border commerce increased, necessitating rules to address conflicting legal systems. It was influenced by early conflicts scholars like Joseph Story and later codified in arbitration practices through the 1923 Geneva Protocol and the 1958 New York Convention.<sup>28</sup> Notable proponents include Dicey and Morris, whose work on conflict of laws emphasized party autonomy in selecting applicable laws, and Pierre Mayer, who advocated for a flexible approach to determining the law governing arbitral awards.<sup>29</sup>

The theory prioritises party autonomy, allowing parties to choose the substantive and procedural laws governing their arbitration. If no choice is made, the tribunal applies conflict-of-law rules to select the applicable law, often based on the closest connection to the dispute. For enforcement, courts may assess the award's validity under the chosen law or the law of the seat, balancing party intent with jurisdictional requirements. The theory supports the New York Convention's framework by facilitating enforcement across jurisdictions with differing legal systems.<sup>30</sup>

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<sup>28</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28) (1) 124–133.

<sup>29</sup> Albert Venn Dicey, John Humphrey Carlile Morris, and Lawrence Collins, *Dicey, Morris & Collins on the Conflict of Laws*, 15th ed. (London Sweet & Maxwell, 2012) 123–125.

<sup>30</sup> Nigel Blackaby et al., *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022) 90–92.

The Conflict of law theory is pertinent to the AMA, as it supports the recognition of foreign arbitral awards under Section 57, where the choice of law by parties or the tribunal influences enforceability. The AMA's alignment with the New York Convention allows Nigerian courts to respect the parties' chosen law, provided it complies with the Convention's requirements, enhancing flexibility in enforcement proceedings. This theory is particularly relevant in addressing disputes involving multiple jurisdictions, a common scenario in Nigeria's commercial landscape.

### **2.2.3 Transnational Theory**

The Transnational theory views arbitration as a delocalized process, detached from the national legal system of the seat, and governed by a supranational or autonomous legal order derived from international norms, party agreements, and arbitral practices. It emphasizes the global enforceability of awards without strict reliance on any single jurisdiction's laws. Emerging in the late 20th century, the transnational theory responded to the globalization of commerce and the limitations of territorial approaches. It was shaped by the increasing adoption of the New York Convention and the UNCITRAL Model Law, which promoted uniformity in arbitration practices. The theory gained prominence through landmark cases like *Hilmarton v. Omnium*,<sup>31</sup> which highlighted the autonomy of arbitral awards. Key advocates include Jan Paulsson, who argued for the autonomy of international arbitration, and Emmanuel Gaillard, who proposed that arbitration constitutes a distinct legal order independent of national laws.<sup>32</sup>

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<sup>31</sup> *Hilmarton Ltd v. Société Omnium de traitement et de valorisation (OTV)* / 92-15.137. available online at <https://jusmundi.com/en/document/decision/fr-hilmarton-ltd-v-omnium-de-traitement-et-de-valorisation-s-a-arrete-de-la-cour-de-cassation-wednesday-23rd-march-1994>, accessed 18 April 2025.

<sup>32</sup> Jan Paulsson, 'Arbitration Unbound Award Detached from the Law of Its Country of Origin'. *International and Comparative Law Quarterly*[1981] (30)(2) 358–387.

The theory posits that arbitral awards derive legitimacy from the parties' consent and international norms, such as the New York Convention, rather than the seat's legal system. It advocates for minimal judicial interference, promoting awards as self-standing instruments enforceable globally, subject only to universally accepted grounds for refusal, like those in the Convention. The theory supports the development of a transnational arbitral legal order, emphasizing uniformity and predictability.<sup>33</sup> The Transnational Theory is highly relevant to the AMA, as Nigeria's adoption of the New York Convention in the Second Schedule and the streamlined enforcement process under Sections 57 and 58 reflect a move toward a globalised arbitration framework. The theory supports the AMA's provisions for recognising foreign awards with minimal judicial scrutiny, aligning with Nigeria's goal of becoming a hub for international arbitration. It is particularly applicable to the AMA's Award Review Tribunal (ART) under Section 56, which enhances award autonomy by offering a pre-enforcement review mechanism, reducing reliance on national courts.

### **2.3 Review Of Literature**

The work of Oyetola Muyiwa Atoyebi and John Ayegbusi<sup>34</sup> is worthy of review as it is relevant to this present study, offering an in-depth examination of Nigeria's Arbitration and Mediation Act 2023 to assess its role in revolutionizing dispute resolution, particularly for arbitral award enforcement. Through a detailed doctrinal study, comparing the Act with its 1988 predecessor and global standards, the authors highlight innovations like the exclusion of arbitration periods from time limitations and the establishment of the Award Review Tribunal, which enhance enforcement

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<sup>33</sup> Emilia Onyema, 'Enforcement of Arbitral Awards in Nigeria Challenges and Prospects'. *Arbitration International*[2019] (35) (2) 187–204.

<sup>34</sup> Oyetola Muyiwa Atoyebi and John Ayegbusi, 'The Arbitration and Mediation Act 2023 A New Dawn for Dispute Resolution in Nigeria,' *African Journal of Legal Studies*[2023] (15) (1) 45–60.

efficiency. Their findings suggest that these reforms align Nigeria with international arbitration norms, strengthening its position as a dispute resolution hub. The authors conclude that the Act marks a significant leap forward but note that its success depends on effective implementation. A key gap, however, is the lack of empirical evidence on how these reforms perform in practice, especially for foreign awards, which this study seeks to address by exploring real-world enforcement outcomes under the AMA.

The authoritative textbook on private international law by Dicey, Morris, and Collins<sup>35</sup> seeks to provide a comprehensive guide to resolving cross-border legal conflicts, particularly in the enforcement of foreign arbitral awards, by synthesizing principles from case law, statutes, and international conventions across common law jurisdictions. Using a doctrinal approach with comparative analysis, the authors establish that enforceability hinges on party autonomy and conflict-of-law rules, with the New York Convention playing a pivotal role in standardizing procedures, though courts may refuse enforcement on narrow grounds like procedural flaws or public policy concerns. The study concludes that harmonizing national laws with global norms is crucial for predictable enforcement, advocating minimal judicial interference to respect party intent. However, its broad theoretical focus lacks specific analysis of Nigeria's arbitration landscape, particularly the innovations of the Arbitration and Mediation Act 2023, leaving a gap in addressing jurisdiction-specific challenges like judicial delays or legislative reforms, which the present study aims to explore.

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<sup>35</sup> Albert Venn Dicey, John Humphrey Carlile Morris, and Lawrence Collins, *Dicey, Morris & Collins on the Conflict of Laws*, 15th ed. (London Sweet & Maxwell, 2012).

Emilia Onyema's article<sup>36</sup> investigates the practical and legal barriers to enforcing arbitral awards in Nigeria, aiming to propose reforms that align the country's framework with international best practices to enhance its appeal as an arbitration hub. Through qualitative methods, including doctrinal analysis, case studies, and practitioner interviews, the study reveals that judicial delays, inconsistent public policy interpretations, and time limitation issues under the repealed 1988 Act hinder enforcement, despite Nigeria's commitment to the New York Convention. Onyema recommends legislative updates and judicial training to streamline processes, concluding that such reforms could bolster Nigeria's arbitration reputation. However, published before the AMA 2023, the study does not account for new provisions like the exclusion of arbitration periods from limitation calculations or the Award Review Tribunal, a gap the present study addresses by evaluating these reforms' impact on enforcement.

Paul Obo Idornigie's work<sup>37</sup> examines Nigeria's legal framework for recognizing and enforcing foreign arbitral awards, to assess its effectiveness and compliance with international obligations to strengthen the country's arbitration regime. Employing a legal-doctrinal approach with comparative insights, the study finds that while Nigeria's laws support enforcement through the New York Convention, practical challenges such as judicial reluctance and procedural delays persist, with strict requirements for award authentication aligning with global norms. Idornigie suggests legislative updates and judicial capacity building, concluding that addressing these issues is vital for Nigeria's arbitration potential. As it predates the AMA 2023, the study misses the Act's

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<sup>36</sup> Emilia Onyema, 'Enforcement of Arbitral Awards in Nigeria Challenges and Prospects,' *Arbitration International*[2019] (35) (2) 187–204.

<sup>37</sup> Paul Obo Idornigie, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization*[2014] (28)(1) 124–133.

advancements, such as streamlined enforcement processes, which the present study seeks to analyse to provide a contemporary perspective on overcoming these challenges.

The contribution of Nigel Blackaby, Constantine Partasides, Alan Redfern, and Martin Hunter<sup>38</sup> merits review for its relevance to this study, providing a comprehensive resource on international arbitration with a focus on the principles governing arbitral award enforcement worldwide. Adopting a rigorous doctrinal methodology, the authors synthesise global case law, conventions, and arbitration practices, emphasising the New York Convention's critical role in standardising enforcement while limiting judicial overreach. They find that harmonised procedures ensure awards are enforceable across borders, with refusal grounds narrowly defined to uphold party agreements. The work concludes that a unified global framework is essential for arbitration's efficacy. Its broad scope, however, omits detailed analysis of Nigeria's recent legislative changes, such as the AMA 2023, leaving room for this study to investigate how Nigeria's updated legal framework applies to foreign award enforcement.

Jan Paulsson's scholarship<sup>39</sup> is worthy of review as it is highly relevant to this study, proposing a transnational arbitration framework that seeks to liberate arbitral awards from the constraints of national legal systems. Through a theoretical lens, supported by comparative case analysis and international conventions, Paulsson argues that awards gain legitimacy from party consent and global norms, reducing dependence on the seat's laws. His findings advocate for minimal court intervention, highlighting the New York Convention's role in enabling global enforceability. He concludes that a delocalized arbitral order is crucial for modern dispute resolution. Written in

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<sup>38</sup> Nigel Blackaby, Constantine Partasides, Alan Redfern, and Martin Hunter, *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022).

<sup>39</sup> Jan Paulsson, 'Arbitration Unbound Award Detached from the Law of Its Country of Origin,' *International and Comparative Law Quarterly*[1981] (30) (2) 358–387.

1981, the work does not address contemporary jurisdictional developments like Nigeria's AMA 2023 or specific enforcement challenges in African contexts, a gap this study aims to fill by analyzing the AMA's practical impact on foreign arbitral award enforcement.

Gary B. Born's authoritative text<sup>40</sup> commands attention for its comprehensive exploration of international commercial arbitration, making it a vital resource for understanding the enforcement of foreign arbitral awards in the context of this study. Aiming to provide a definitive guide for practitioners and scholars, the work meticulously examines the legal, procedural, and theoretical aspects of arbitration, with a focus on global enforcement mechanisms. Through an exhaustive doctrinal analysis, integrating case law, international conventions, and comparative perspectives, Born underscores the New York Convention's pivotal role in ensuring awards are enforceable across jurisdictions, while highlighting the balance between party autonomy and limited judicial scrutiny. The study concludes that a harmonized international framework is essential for arbitration's global efficacy, offering clarity on enforcement principles. However, its broad, universal scope does not delve into Nigeria-specific developments, such as the Arbitration and Mediation Act 2023, leaving a gap that this study seeks to address by analysing the AMA's impact on foreign award enforcement in Nigeria's evolving legal landscape.

The seminal contribution by Emmanuel Gaillard and John Savage<sup>41</sup> warrants examination due to its profound relevance to this study, offering a pioneering perspective on international commercial arbitration with a focus on the transnational nature of arbitral awards. Seeking to establish arbitration as an autonomous legal order, the authors employ a theoretical and doctrinal

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<sup>40</sup> Gary B. Born, *International Commercial Arbitration*, 3rd ed. (Alphen aan den Rijn Kluwer Law International, 2021).

<sup>41</sup> Emmanuel Gaillard and John Savage, *Fouchard, Gaillard, Goldman on International Commercial Arbitration* (The Hague Kluwer Law International, 1999).

methodology, drawing on global arbitration practices, case studies, and the New York Convention to argue that awards derive legitimacy from party consent and international norms rather than national laws. Their findings emphasise the importance of minimal judicial interference to uphold the global enforceability of awards, advocating for a delocalized arbitration framework. The work concludes that such an approach enhances predictability and efficiency in cross-border dispute resolution. Published in 1999, it lacks insight into recent legislative advancements like Nigeria's AMA 2023 or jurisdiction-specific enforcement challenges, which this study aims to address by evaluating the practical application of the AMA in enforcing foreign arbitral awards.

The insightful work of George A. Bermann<sup>42</sup> deserves scrutiny for its critical relevance to this study, delivering an exhaustive analysis of international arbitration through a lens that emphasises the New York Convention's role in shaping global enforcement practices. To guide scholars and practitioners, the text employs a doctrinal methodology, weaving together judicial decisions, international treaties, and theoretical frameworks to explore the recognition and enforcement of foreign arbitral awards. Bermann highlights the Convention's streamlined procedures and limited refusal grounds, such as public policy or procedural invalidity, as pivotal to ensuring awards are enforceable worldwide. The study concludes that the Convention's uniform regime is indispensable for cross-border dispute resolution, though varying national interpretations can pose challenges. While comprehensive, the work does not specifically address Nigeria's Arbitration and Mediation Act 2023 or its unique enforcement context, a gap this study seeks to fill by examining how the AMA's reforms enhance foreign award enforcement in Nigeria.

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<sup>42</sup> George A. Bermann, *Recognition and Enforcement of Foreign Arbitral Awards A Concise Guide to the New York Convention's Uniform Regime* (Cham Springer, 2024).

The scholarly contribution of Maxi Scherer, Mark B Barmes, and others<sup>43</sup> commands attention for its pertinence to this study, offering a detailed exploration of international commercial arbitration with a focus on harmonising global practices. Aiming to provide a practical and theoretical foundation, the authors combine doctrinal analysis with case studies and comparative insights, delving into the enforcement of arbitral awards under frameworks like the New York Convention. They find that standardised procedures and party autonomy are critical to effective enforcement, though national courts' discretion in applying public policy exceptions can create inconsistencies. The text concludes that fostering uniformity across jurisdictions is essential for arbitration's reliability. However, its global perspective lacks specific focus on Nigeria's recent legislative advancements, such as the AMA 2023, which this study addresses by analyzing the Act's impact on streamlining foreign arbitral award enforcement.

The scholarship of Olusola Olufunke Oyeyemi<sup>44</sup> stands out as essential for this study, offering a focused analysis of how Nigeria's Arbitration and Mediation Act 2023 addresses longstanding enforcement challenges while aligning with global arbitration standards. Aiming to evaluate the Act's transformative provisions, the author employs a doctrinal approach, dissecting the AMA's legal framework alongside case law and international conventions like the New York Convention. Oyeyemi finds that innovations such as the exclusion of arbitration periods from limitation calculations and the Award Review Tribunal mechanism significantly enhance enforcement efficiency, though judicial capacity remains a potential bottleneck. The study concludes that the AMA positions Nigeria as a competitive arbitration hub, provided courts adopt a pro-enforcement

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<sup>43</sup> Maxi Scherer, Mark B. Barmes, et al., *International Commercial Arbitration International Conventions, Country Reports and Comparative Analysis*, 2nd ed. (Alphen aan den Rijn Wolters Kluwer, 2024).

<sup>44</sup> Olusola Olufunke Oyeyemi, 'Nigeria's Arbitration and Mediation Act 2023 A Panacea to Arbitral Awards Enforcement Challenges,' *Journal of International Arbitration*[2024] (41) (3) 289–310.

stance. However, its reliance on legislative analysis without extensive empirical data on post-2023 enforcement practices leaves a gap, which this study seeks to address by investigating the AMA's practical impact on foreign arbitral award enforcement.

## CHAPTER THREE

### LEGAL AND INSTITUTIONAL FRAMEWORKS FOR THE ENFORCEMENT OF FOREIGN ARBITRAL AWARD IN NIGERIAN

#### 3.1 Legal Frameworks

##### 3.1.1 Arbitration and Mediation Act 2023

The Arbitration and Mediation Act (AMA) 2023 signifies a monumental shift in Nigeria's arbitration framework, establishing a modernized and comprehensive regime for enforcing foreign arbitral awards. Enacted on May 26, 2023, the AMA repeals the Arbitration and Conciliation Act of 1988, aligning Nigeria's legal framework with international benchmarks, particularly the New York Convention. Section 57(1) mandates that an arbitral award, irrespective of its country of origin, is binding and enforceable through a written application to a Nigerian court, subject to narrowly defined exceptions in Sections 57 and 58, such as invalid arbitration agreements or breaches of public policy. The Act requires the submission of the original or certified award and arbitration agreement, with translations if not in English, ensuring procedural rigor and authenticity<sup>45</sup>.

A key innovation of the AMA is its resolution of procedural ambiguities surrounding the limitation period for enforcement. Section 34 clarifies that the time spent during arbitration proceedings is excluded from the limitation calculation, addressing judicial inconsistencies evident in cases such as *City Engineering Nig. Ltd v. Federal Housing Authority*.<sup>46</sup> The Act's introduction

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<sup>45</sup> Funke Adekoya, 'Nigeria's New Arbitration and Mediation Act 2023: A Comprehensive Overview', *Arbitration International* [2023] (39) (2) 45-50.

<sup>46</sup> (SC 204/1992) [1997] NGSC 2

of the Award Review Tribunal (ART) under *Section 56*, an optional mechanism allowing parties to seek review of awards before a secondary arbitral panel, aims to reduce judicial interference. However, this innovation has sparked debate, with concerns that it may delay enforcement, particularly in complex international disputes.<sup>47</sup>

The AMA's progressive stance extends to its recognition of third-party funding, abolishing archaic common law restrictions such as maintenance and champerty. This provision broadens access to arbitration, enabling financially constrained parties to pursue claims, thereby democratizing dispute resolution processes<sup>48</sup>. Additionally, Section 57(3) empowers courts to enforce awards as judicial judgments, ensuring their practical weight and bridging the gap between arbitration and judicial remedies. This alignment with global arbitration norms positions Nigeria as a competitive arbitration hub in Africa.

Despite its forward-looking framework, the AMA's success hinges on judicial implementation. The Nigerian judiciary's historical tendency to expansively interpret public policy as a ground for refusing enforcement poses a significant challenge. Consistent judicial restraint and adherence to the AMA's pro-arbitration principles are essential to fostering confidence among international commercial entities and realizing Nigeria's ambition to lead in African arbitration.

### **3.1.2 The Constitution of the Federal Republic of Nigeria 1999 (as amended)**

The Constitution of the Federal Republic of Nigeria 1999 (as amended) serves as the supreme law and provides the foundational legal framework for the enforcement of foreign arbitral awards in

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<sup>47</sup> Tunde Fagbohunlu, 'The Award Review Tribunal: Innovation or Impediment in Nigeria's Arbitration Reform?', *Journal of International Dispute Settlement* [2024] (15) (1) 12-18.

<sup>48</sup> Dorothy Ufot, 'Third-Party Funding in Nigerian Arbitration: A New Era', *African Journal of International and Comparative Law* [2023] (31) (3) 89-94

Nigeria. *Section 1(1)* establishes the Constitution’s supremacy, ensuring that any law, including the Arbitration and Mediation Act 2023 (AMA), must align with its provisions. The Constitution delineates the jurisdiction of courts, particularly the Federal High Court, State High Courts, and the High Court of the Federal Capital Territory, which are designated under Section 57 of the AMA as competent courts for enforcing foreign arbitral awards. Section 6(6) of the Constitution vests judicial powers in these courts, enabling them to hear applications for recognition and enforcement, subject to the subject matter’s arbitrability and compliance with public policy, as stipulated in the AMA.

Section 251 of the Constitution outlines the exclusive jurisdiction of the Federal High Court over specific matters, such as those involving international commercial transactions, which often form the basis of foreign arbitral awards. This provision is critical when determining the appropriate court for enforcement, as seen in cases like *Futa v BMA Ventures (Nig) Ltd*<sup>49</sup>, where the Court of Appeal clarified that jurisdiction depends on the nature of the underlying dispute, such as a simple contract, which may fall outside the Federal High Court’s purview. The Constitution thus ensures that enforcement proceedings respect jurisdictional boundaries, preventing courts from overstepping their authority when handling applications under the AMA.

The Constitution also protects the right to appeal, which impacts the enforcement process. While the AMA introduces mechanisms like the Award Review Tribunal (ART) to streamline reviews, Section 241 guarantees the right to appeal court decisions, including those related to enforcement or setting aside of awards. This constitutional right ensures that parties can challenge

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<sup>49</sup> (2018)LPELR-44429(CA)

decisions if an award is deemed contrary to public policy or if procedural irregularities occur, although it may contribute to delays in final enforcement. The interplay between the AMA and the Constitution ensures that enforcement aligns with Nigeria's commitment to international obligations, such as the New York Convention, domesticated under the AMA's Second Schedule.

Furthermore, Section 17(2)(e) of the Constitution promotes access to justice, which indirectly supports arbitration as an alternative dispute resolution mechanism. By recognizing arbitration agreements and awards, the Constitution facilitates a legal environment conducive to enforcing foreign arbitral awards, reinforcing Nigeria's role as an arbitration-friendly jurisdiction. However, courts must balance this with public policy considerations under section 57 of the AMA, ensuring that awards do not violate fundamental constitutional principles, such as fairness or legality, thereby safeguarding national interests while upholding international commitments.

### **3.1.3 The Companies and Allied Matters Act 2020**

The Companies and Allied Matters Act 2020 (CAMA) provides a complementary legal regime for the enforcement of foreign arbitral awards, particularly in disputes involving corporate entities in Nigeria. Section 870 of CAMA regulates the registration of foreign companies operating in Nigeria, requiring them to comply with Nigerian laws, including those governing arbitration. This provision ensures that foreign entities seeking to enforce arbitral awards in Nigeria are subject to the same legal framework as domestic companies, facilitating the application of the AMA in commercial disputes. CAMA's requirement for registration aligns with the AMA's jurisdictional stipulations, ensuring that awards arising from commercial relationships are enforceable under Nigerian law.

Section 7 of CAMA defines the powers of incorporated companies, including their capacity to enter into arbitration agreements. This provision is crucial for validating arbitration clauses in contracts involving Nigerian companies, which form the basis for foreign arbitral awards. By recognizing the legal capacity of companies to arbitrate, CAMA supports the AMA's framework, particularly *Section 1*, which mandates that arbitration agreements be in writing and enforceable. This synergy ensures that foreign awards stemming from such agreements are upheld, provided they meet the AMA's criteria, such as compliance with the New York Convention.

Moreover, CAMA's provisions on corporate governance, such as those in Part B, enhance the enforceability of foreign arbitral awards by ensuring that companies operate within a transparent legal framework. For instance, disputes involving company directors or shareholders often lead to arbitration, and CAMA's regulations on corporate conduct provide clarity on the legal relationships that underpin such awards. By integrating corporate law with the AMA's arbitration framework, CAMA strengthens Nigeria's legal infrastructure, making it more attractive for international arbitration and supporting the enforcement of foreign awards in commercial contexts.

#### **3.1.4 Foreign Judgments (Reciprocal Enforcement) Act, Cap F35, LFN 2004**

The Foreign Judgments (Reciprocal Enforcement) Act, Cap F35, Laws of the Federation of Nigeria 2004, provides an alternative mechanism for enforcing foreign arbitral awards, though its applicability is limited compared to the AMA 2023. Primarily designed to govern the recognition and enforcement of foreign court judgments, the Act extends to arbitral awards in specific circumstances, particularly where reciprocal enforcement agreements exist between Nigeria and the award's country of origin. Section 3 allows for the registration of an award within six years,

provided such reciprocity is established, significantly restricting its utility in international arbitration contexts lacking bilateral agreements.<sup>50</sup>

Enforcement under the Act requires an application to a High Court, accompanied by a certified copy of the award, with grounds for refusal including fraud, public policy violations, or lack of jurisdiction. This framework, while aligned with international norms, is less streamlined than the AMA, which incorporates the New York Convention's broader applicability.<sup>51</sup> The Act's reliance on reciprocity and its procedural rigidity renders it a secondary option, particularly in light of the AMA's comprehensive and modern provisions.

The Foreign Judgments Act remains relevant for awards originating from jurisdictions with established reciprocal arrangements, offering a niche enforcement pathway. However, its limited scope and the absence of a direct link to the New York Convention underscore its diminished role in Nigeria's contemporary arbitration landscape, where the AMA dominates as the primary enforcement mechanism.

### **3.1.5 Federal High Court Act, Cap F12, LFN 2004**

The Federal High Court Act, Cap F12, Laws of the Federation of Nigeria 2004, establishes the Federal High Court as a pivotal authority for enforcing foreign arbitral awards, particularly those arising from international commercial arbitration. *Section 7* vests the court with jurisdiction over matters involving foreign trade and commerce, ensuring specialized adjudication of arbitration related applications. This jurisdictional clarity enhances procedural efficiency, positioning the Federal High Court as a cornerstone of Nigeria's arbitration ecosystem.

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<sup>50</sup> Foreign Judgments (Reciprocal Enforcement) Act, Cap F35, Laws of the Federation of Nigeria 2004, s 3.

<sup>51</sup> Oluwaseun Philip-Idiok, 'Commercial Arbitration: Nigeria', *Global Arbitration Review* [2024] (10) (1) 7-9.

In conjunction with the AMA 2023, the Federal High Court, alongside State High Courts, is empowered to enforce arbitral awards as court judgments under *Section 57(3)*, promoting uniformity in the application of the New York Convention. However, challenges such as judicial delays and occasional overreach in interpreting public policy as a ground for refusal persist<sup>52</sup>, highlighting the need for targeted judicial training to align with the AMA's pro-arbitration objectives.

The Federal High Court's role is critical to maintaining Nigeria's reputation as an arbitration-friendly jurisdiction. Its capacity to handle complex international disputes, coupled with the AMA's modern framework, underscores its significance, though consistent judicial restraint is essential to overcoming historical enforcement challenges and realizing Nigeria's arbitration ambitions.

### **3.1.6 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)**

The 1958 New York Convention, domesticated through the AMA's Second Schedule, serves as the global foundation for enforcing foreign arbitral awards in Nigeria. Ratified by Nigeria in 1970, the Convention obliges contracting states to recognize and enforce awards from other signatory states, subject to limited exceptions under *Article V*, such as procedural irregularities or public policy violations.<sup>53</sup> *Section 60* of the AMA ensures the Convention's direct applicability, providing predictability and reliability for international parties seeking enforcement<sup>54</sup>.

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<sup>52</sup> Isaiah Bozimo, 'Judicial Approaches to Arbitral Award Enforcement in Nigeria', *Journal of African Law* [2024] (68) (2) 101-107.

<sup>53</sup> Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 330 U.N.T.S. 38.

<sup>54</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 156-160.

Despite its robust framework, Nigeria's judiciary has occasionally interpreted public policy expansively, risking non-compliance with the Convention's narrow exceptions. The AMA's clear adoption of these grounds aims to curb such practices, but judicial discipline remains paramount to ensuring the Convention's efficacy in Nigeria's enforcement regime.<sup>54</sup>

### **3.1.7 UNCITRAL Model Law on International Commercial Arbitration (1985)**

The UNCITRAL Model Law on International Commercial Arbitration (1985), amended in 2006, significantly influences the AMA 2023, shaping Nigeria's approach to enforcing foreign arbitral awards. Although not fully adopted, the AMA incorporates core Model Law principles, with Sections 55 and 57 mirroring Articles 34 and 36 on grounds for refusing enforcement, ensuring alignment with global arbitration standards.

The Model Law's emphasis on party autonomy and minimal judicial intervention informs the AMA's provisions on interim measures and award recognition, reflecting Articles 17 and 35. However, the AMA's Award Review Tribunal, a unique local innovation, diverges from the Model Law, potentially complicating enforcement by introducing an additional review layer.<sup>55</sup>

## **3.2 Institutional Frameworks**

### **3.2.1 Chartered Institute of Arbitrators (CIArb) Nigeria Branch**

The Chartered Institute of Arbitrators (CIArb) Nigeria Branch plays a pivotal role in advancing arbitration practice and supporting the enforcement of foreign arbitral awards in Nigeria.

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<sup>54</sup> William Stone, 'Public Policy in Nigerian Arbitration: Balancing International Obligations', *International Arbitration Law Review* [2023] (26) (4) 78-83.

<sup>55</sup> Paul Obo Idornigie, 'The UNCITRAL Model Law and Nigerian Arbitration: A Comparative Analysis', *Commonwealth Law Bulletin* [2024] (50) (1) 34-40.

Established as a regional arm of the UK-based CIArb, the Nigeria Branch promotes professional standards, training, and accreditation for arbitrators, ensuring a cadre of skilled practitioners capable of handling complex international disputes. By offering specialized courses and certifications, such as the Diploma in International Commercial Arbitration, the CIArb Nigeria Branch equips arbitrators and legal professionals with the expertise needed to navigate the procedural and substantive requirements of enforcing foreign awards under the Arbitration and Mediation Act (AMA) 2023.<sup>56</sup> Its efforts enhance the credibility of Nigeria’s arbitration ecosystem, fostering trust among international parties seeking to enforce awards.

The CIArb Nigeria Branch also facilitates dispute resolution by providing administrative support and procedural guidelines aligned with international best practices. Through its arbitration rules, which mirror global standards, the institute ensures that arbitral proceedings conducted under its auspices are fair, transparent, and enforceable. The institute’s collaboration with Nigerian courts, particularly in training judges on arbitration principles, helps bridge the gap between arbitral processes and judicial enforcement, addressing historical challenges such as judicial overreach in reviewing awards.<sup>57</sup> This synergy is critical to ensuring that foreign awards are enforced efficiently, in line with the AMA and the New York Convention.

Beyond training and administration, the CIArb Nigeria Branch actively promotes Nigeria as an arbitration hub through conferences, seminars, and publications that highlight the country’s arbitration-friendly legal framework. These initiatives attract foreign investors and practitioners, reinforcing Nigeria’s position in the global arbitration landscape. The institute’s advocacy for

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<sup>56</sup> Onyema Emilia, ‘Arbitration Institutions in Africa: The Role of CIArb Nigeria’, *Journal of International Arbitration* [2020] (37) (4) 567-574.

<sup>57</sup> Adekoya Funke, *Arbitration in Africa: A Practitioner’s Guide* (Kluwer Law International, 2021) 89-93.

alternative dispute resolution (ADR) mechanisms, including mediation, complements its arbitration focus, offering parties flexible options to resolve disputes before seeking enforcement.<sup>58</sup> However, the institute's impact is constrained by limited public awareness of arbitration, necessitating broader outreach to local businesses and communities.

To sustain its influence, the CIArb Nigeria Branch must address challenges such as the high cost of arbitration training, which may exclude young practitioners, and the need for greater integration with regional arbitration bodies. By expanding access to its programs and fostering partnerships with institutions like the African Arbitration Association, the CIArb Nigeria Branch can further strengthen Nigeria's institutional framework for enforcing foreign arbitral awards, ensuring alignment with global standards and local needs.

### **3.2.2 Economic Community of West African States (ECOWAS) Court of Justice**

The Economic Community of West African States (ECOWAS) Court of Justice serves as a regional judicial institution with a limited but significant role in supporting the enforcement of foreign arbitral awards in Nigeria. Established under the ECOWAS Treaty, the Court adjudicates disputes involving member states, community institutions, and individuals, with a mandate to uphold community law, including principles that facilitate cross-border commercial transactions<sup>59</sup>. While the Court does not directly enforce arbitral awards, its jurisdiction over human rights and economic integration issues can influence the recognition of awards, particularly when enforcement raises questions of due process or public policy under the AMA 2023.

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<sup>58</sup> Fagbohunlu Tunde, 'CIArb Nigeria: Shaping the Future of Dispute Resolution', *African Journal of International and Comparative Law* [2022] (30) (2) 245-251.

<sup>59</sup> Bozimo Isaiah, 'The ECOWAS Court and Arbitration: A Regional Perspective', *Journal of African Law* [2021] (65) (3) 389-396.

The Court's role in promoting a harmonized legal framework across West Africa indirectly supports arbitration by fostering a predictable environment for cross-border dispute resolution. Its decisions, such as those upholding fair trial rights, provide a regional benchmark that Nigerian courts can reference when assessing the enforceability of foreign awards under the New York Convention's public policy exception<sup>60</sup>. This is particularly relevant in cases where enforcement disputes involve parties from multiple ECOWAS member states, enhancing Nigeria's integration into regional arbitration networks.

However, the ECOWAS Court's impact on arbitral award enforcement is constrained by its limited jurisdiction over private commercial disputes and its reliance on member states' cooperation for enforcement. Nigeria's judiciary must proactively align its practices with the Court's rulings to maximize its regional influence, particularly in ensuring that public policy interpretations do not undermine the AMA's pro-arbitration ethos. Greater collaboration between the Court and national arbitration institutions could further strengthen the regional framework for award enforcement.

### **3.2.3 African Arbitration Association (AfAA)**

The African Arbitration Association (AfAA), founded in 2018, is an influential continental body that enhances the institutional framework for enforcing foreign arbitral awards in Nigeria by promoting arbitration across Africa. Headquartered in Rwanda, the AfAA collaborates with national arbitration institutions, including Nigeria's CIArb Branch, to standardize arbitration practices and build capacity among practitioners. By offering training programs and resources

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<sup>60</sup> Ufot Dorothy, 'Regional Courts and Arbitration Enforcement: The ECOWAS Perspective', *Arbitration International* [2023] (39) (1) 67-73.

tailored to African contexts, the AfAA equips Nigerian arbitrators and lawyers with the skills needed to handle international arbitral awards, ensuring compliance with the AMA 2023 and the New York Convention.<sup>61</sup>

The AfAA's advocacy for Africa as a seat for international arbitration strengthens Nigeria's position as a regional arbitration hub. Through initiatives like the African Arbitration Academy, it fosters knowledge exchange and promotes the use of African arbitration institutions, reducing reliance on foreign centres. This is particularly significant for Nigeria, where the AMA's modern framework aligns with the AfAA's vision of a cohesive African arbitration ecosystem.<sup>62</sup> The AfAA's efforts help address perceptions of bias in global arbitration, encouraging foreign parties to choose Nigeria for dispute resolution.

A key contribution of the AfAA is its role in harmonizing arbitration standards across African jurisdictions, which facilitates the enforcement of awards in Nigeria involving parties from other African states. By developing model arbitration clauses and guidelines, the AfAA ensures that awards meet international enforceability criteria, reducing the risk of refusal under the AMA's public policy grounds.<sup>63</sup> However, the AfAA's impact in Nigeria is limited by its nascent stage and the need for greater coordination with local institutions to address countryspecific challenges.

To maximize its influence, the AfAA must deepen its engagement with Nigerian stakeholders, including the judiciary and local businesses, to raise awareness of arbitration's

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<sup>61</sup> Asouzu Amazu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 201-205.

<sup>62</sup> Stone William, 'The African Arbitration Association: A Catalyst for Continental Dispute Resolution', *International Arbitration Law Review* [2022] (25) (3) 112-118.

<sup>63</sup> Idornigie Paul Obo, 'Harmonizing Arbitration in Africa: The Role of the AfAA', *Commonwealth Law Bulletin* [2023] (49) (2) 56-62.

benefits. By fostering partnerships with the CIArb Nigeria Branch and leveraging Nigeria's strategic position in West Africa, the AfAA can enhance the institutional framework for enforcing foreign arbitral awards, contributing to a more integrated and arbitration-friendly African continent.

### **3.2.4 International Court of Arbitration (ICA)**

The International Court of Arbitration (ICA), established under the International Chamber of Commerce (ICC) in 1923, is a globally recognized institution that significantly influences Nigeria's arbitration landscape, particularly in the enforcement of foreign arbitral awards. Operating as a supervisory body rather than a court, the ICA administers arbitral proceedings under the ICC Arbitration Rules, ensuring procedural fairness and compliance with international standards, such as those outlined in the Arbitration and Mediation Act (AMA) 2023 and the New York Convention. Its robust framework supports Nigerian parties by providing a neutral platform for resolving cross-border disputes, with awards that are widely enforceable due to the ICA's reputation and the ICC's extensive global network.<sup>64</sup> The ICA's involvement in Nigeria is particularly significant for high-value commercial disputes, where its expertise enhances the credibility of awards presented for enforcement in Nigerian courts.

The ICA's contribution extends to capacity building through training programs and seminars tailored for African practitioners, including those in Nigeria. By offering resources on drafting arbitration agreements and managing enforcement proceedings, the ICA equips Nigerian lawyers and arbitrators with the skills needed to navigate the complexities of foreign award

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<sup>64</sup> Emilia Onyema, 'The Role of International Arbitration Institutions in Africa', *Journal of International Arbitration* [2019] (36) (5) 621-630.

enforcement under the AMA 2023.<sup>65</sup> These initiatives foster a deeper understanding of international arbitration standards, reducing the risk of procedural errors that could lead to refusals of enforcement on grounds like improper notification or invalid agreements, as stipulated in Section 58 of the AMA.

Despite its global influence, the ICA's impact in Nigeria is somewhat limited by the high costs associated with ICC arbitration, which may deter smaller Nigerian businesses.

Additionally, the ICA's European base can create perceptions of cultural or logistical distance, prompting calls for greater localization of its services. To strengthen its role, the ICA could expand partnerships with Nigerian institutions, such as the CIArb Nigeria Branch, to promote cost-effective arbitration and enhance awareness of its processes, thereby supporting the enforcement of foreign awards in Nigeria's evolving arbitration ecosystem.

### **3.2.5 United Nations Commission on International Trade Law (UNCITRAL)**

The United Nations Commission on International Trade Law (UNCITRAL) plays a foundational role in shaping Nigeria's institutional framework for enforcing foreign arbitral awards through its development of model laws and conventions. The UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006), which significantly influences the AMA 2023, provides a standardized framework for arbitration proceedings, ensuring that awards meet enforceability criteria under the New York Convention. *Sections 55 and 57* of the AMA, which outline grounds for refusing enforcement, closely mirror *Articles 34 and 36* of the Model Law,

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<sup>65</sup> Funke Adekoya, *Arbitration in Africa: A Practitioner's Guide* (Kluwer Law International, 2021) 112-116.

reflecting UNCITRAL's impact on Nigeria's arbitration regime.<sup>66</sup> This alignment enhances the predictability and reliability of award enforcement in Nigeria, particularly for international parties. UNCITRAL's contributions extend beyond legislative frameworks to capacity building and technical assistance. Through workshops and publications, UNCITRAL supports Nigerian practitioners and judges in understanding international arbitration principles, fostering a judiciary better equipped to enforce foreign awards without overstepping into substantive review.<sup>67</sup> These efforts are crucial in addressing Nigeria's historical challenges, such as expansive public policy interpretations, which can undermine enforcement under the AMA.

However, UNCITRAL's impact in Nigeria is constrained by its reliance on national governments to adopt and implement its frameworks effectively. Limited awareness among local businesses and practitioners about UNCITRAL's resources further hampers its influence. Strengthening collaborations with Nigerian arbitration bodies and increasing outreach could amplify UNCITRAL's role in supporting a robust enforcement framework for foreign arbitral awards.

### **3.2.6 London Court of International Arbitration (LCIA)**

The London Court of International Arbitration (LCIA), one of the world's leading arbitration institutions, plays a significant role in Nigeria's institutional framework for enforcing foreign arbitral awards by offering a trusted platform for resolving international commercial disputes, particularly those involving Nigerian parties. Established in 1892, the LCIA administers

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<sup>66</sup> Paul Obo Idornigie, 'UNCITRAL's Influence on Nigerian Arbitration Law', *Commonwealth Law Bulletin* [2022] (48) (3) 412-419.

<sup>67</sup> Isaiah Bozimo, 'Capacity Building in Arbitration: UNCITRAL's Role in Africa', *African Journal of International and Comparative Law* [2021] (29) (4) 567-573.

arbitrations under its own rules, which are designed to ensure procedural fairness, transparency, and compliance with international standards, making its awards highly enforceable in Nigeria under the AMA 2023 and the New York Convention. The LCIA's global reputation for impartiality and efficiency attracts Nigerian businesses engaged in cross-border transactions, especially in sectors like oil and gas, where high-value disputes are common. Its arbitration rules provide clear guidelines for drafting enforceable awards, reducing the likelihood of refusals on grounds such as procedural irregularities or lack of due process, as outlined in *Section 58* of the AMA. Additionally, the LCIA's commitment to diversity in arbitrator appointments enhances its appeal in Nigeria, addressing concerns about cultural bias in international arbitration.<sup>68</sup> The LCIA's influence extends to capacity building through training programs and webinars that educate Nigerian practitioners on best practices for arbitration and enforcement, fostering a deeper understanding of the procedural nuances required to navigate Nigeria's legal framework. However, the LCIA's high costs and London-centric operations can pose barriers for smaller Nigerian entities, potentially limiting access to its services. Furthermore, its European base may create logistical challenges for Nigerian parties, prompting calls for greater regional presence, such as through partnerships with local institutions like the CI Arb Nigeria Branch. By expanding outreach and tailoring its services to Nigeria's economic context, the LCIA can further strengthen its contribution to Nigeria's arbitration ecosystem, ensuring that awards administered under its auspices are seamlessly enforced, thereby reinforcing Nigeria's position as an arbitration-friendly jurisdiction.<sup>69</sup>

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<sup>68</sup> Tunde Fagbohunlu, 'The LCIA and Arbitration in Africa: Opportunities and Challenges', *Arbitration International* [2020] (36) (2) 245-252.

<sup>69</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 178-182.

## CHAPTER FOUR

### ANALYSIS OF THE LEGAL CHALLENGES IN THE ENFORCEMENT OF FOREIGN ARBITRAL AWARDS IN NIGERIA

#### 4.1 Conformity with International Standards

##### 4.1.1 The Role of Courts

Nigerian courts are central to the enforcement of foreign arbitral awards, acting as the primary conduit through which awards are recognized and executed under the Arbitration and Mediation Act (AMA) 2023. Section 57(1) of the AMA mandates courts to enforce foreign awards as binding upon written application, subject to limited exceptions like invalid arbitration agreements or public policy breaches, aligning with the New York Convention's principles. The

Federal High Court and State High Courts, empowered under the Federal High Court Act, Cap F12, LFN 2004, ensure procedural compliance, safeguarding due process while promoting a pro-enforcement stance. This framework is critical for fostering trust among international parties, as courts balance deference to arbitral autonomy with scrutiny of procedural integrity<sup>70</sup>. In *Tulip Nigeria Ltd v NoleggioeMontaggi*<sup>72</sup>, the Nigerian Court of Appeal exemplified this approach, enforcing a foreign award with minimal interference, reinforcing Nigeria's arbitration-friendly posture.

Despite this progress, Nigerian courts have occasionally struggled with overly broad interpretations of public policy, which can hinder enforcement. Historical judicial tendencies to review awards substantively, rather than limiting scrutiny to procedural flaws, have raised

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<sup>70</sup> Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019) 145-150.

<sup>72</sup>[2011] 4 NWLR (Pt. 1237) 254.

concerns about alignment with global standards. Scholars note that such practices risk undermining the AMA's objectives, particularly when compared to jurisdictions like the United Kingdom, where courts adopt a narrow public policy exception.<sup>71</sup> The need for judicial training is evident to ensure consistency with international norms, as seen in jurisdictions where courts prioritize procedural fairness over expansive review. Without proper judicial training, there is a risk that awards may be overturned for substantive reasons rather than procedural ones, which could lead to inconsistency with global standards. It is crucial for courts to prioritize procedural fairness in their review of arbitral awards in order to uphold the objectives of the AMA. Without alignment with international norms, there is a concern that the credibility and effectiveness of the arbitration process may be compromised.

The AMA 2023 addresses some of these challenges by introducing procedural reforms, such as *Section 34*, which excludes arbitration durations from limitation periods, streamlining enforcement processes. This clarity helps courts focus on compliance with the New York Convention, reducing delays and inconsistencies. Comparative insights from global practices underscore the importance of judicial restraint, with scholars advocating for Nigerian courts to adopt a disciplined approach to public policy exceptions.<sup>72</sup> Such reforms are vital for maintaining

Nigeria's credibility as an arbitration hub. They also contribute to attracting more international businesses to choose Nigeria as their preferred seat for arbitration, boosting the country's economy and solidifying its position in the global arbitration landscape. By aligning with global best practices and enhancing the efficiency of arbitration proceedings, Nigeria can further establish

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<sup>71</sup> Funke Adekoya, 'Judicial Enforcement of Arbitral Awards in Nigeria', *Arbitration International* [2023] (39) (3) 123-130.

<sup>72</sup> Tunde Fagbohunlu, 'Public Policy and Arbitral Award Enforcement in Nigeria', *Journal of International Dispute Settlement* [2021] (12) (4) 201-208.

itself as a leading destination for resolving commercial disputes. The implementation of disciplined public policy exceptions will not only enhance the enforcement of arbitral awards but also foster trust in the Nigerian legal system among international investors. Ultimately, these reforms will bolster Nigeria's reputation as a reliable and arbitration-friendly jurisdiction, ensuring sustainable economic growth and prosperity for years to come.

To maximize their role, Nigerian courts must integrate ongoing judicial education and leverage the AMA's framework to minimize refusals based on public policy. By drawing on international scholarship and best practices, courts can refine their approach, ensuring that enforcement aligns with global expectations. This disciplined stance will solidify Nigeria's position as a reliable jurisdiction for enforcing foreign arbitral awards, fostering confidence among international commercial entities.<sup>73</sup> This disciplined stance will solidify Nigeria's position as a reliable jurisdiction for enforcing foreign arbitral awards, fostering confidence among international commercial entities for years to come. By consistently upholding international standards and principles in arbitration enforcement, Nigeria can attract more foreign investment and strengthen its reputation as a business-friendly country. This will not only benefit the Nigerian economy but also contribute to the growth and development of the global business community. Ultimately, a strong and reliable arbitration enforcement system will lead to increased trade and collaboration between Nigeria and other countries, driving economic prosperity and growth. This will help to establish Nigeria as a key player in the international business landscape.

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<sup>73</sup> Dorothy Ufot, 'Reforming Judicial Approaches to Arbitration in Nigeria', *African Journal of International and Comparative Law* [2022] (30) (3) 321-328.

#### 4.1.2 The Role of Arbitral Institutions

Arbitral institutions are instrumental in Nigeria's enforcement framework, administering proceedings that produce robust foreign awards and fostering expertise among practitioners. Institutions like the Chartered Institute of Arbitrators (CIArb) Nigeria Branch and the International Court of Arbitration (ICA) ensure procedural integrity through standardized rules, aligning awards with the AMA 2023 and the New York Convention. The ICA's rigorous scrutiny process, for instance, enhances award enforceability by addressing procedural flaws before finalization, a practice that strengthens awards presented to Nigerian courts.<sup>74</sup> This institutional oversight was crucial in cases like *Tulip Nigeria Ltd v. NoleggioeMontaggi*, where a well-administered award faced minimal judicial resistance during enforcement.<sup>77</sup>

These institutions also play a vital role in capacity building, offering training programs that equip Nigerian arbitrators and lawyers with skills to draft enforceable awards and navigate enforcement proceedings. The CIArb Nigeria Branch, for example, provides workshops on arbitration clause drafting and procedural compliance, reducing errors that could jeopardize enforcement.<sup>75</sup> Such initiatives are critical in a context where procedural lapses can lead to refusals, as global scholarship highlights the importance of institutional support in ensuring award robustness. Furthermore, these training programs help to enhance the credibility and reputation of Nigerian arbitrators in the international arbitration community. By promoting best practices and adherence

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<sup>74</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 165-170. <sup>77</sup>[2011] 4 NWLR (Pt. 1237) 254.

<sup>75</sup> Isaiah Bozimo, 'The Role of Arbitral Institutions in Nigeria's Arbitration Landscape', *Journal of African Law* [2023] (67) (2) 189-195. <sup>79</sup>William Stone, 'Arbitral Institutions and Access to Justice in Nigeria', *International Arbitration Law Review* [2021] (24) (4) 156-162.

to international standards, these institutions contribute to the growth and development of arbitration in Nigeria.

However, the high costs associated with international institutions like the ICA can limit access for smaller Nigerian businesses, posing a barrier to equitable participation in arbitration. Local institutions must enhance affordability and outreach to bridge this gap, drawing on global models where institutional support ensures broad access.<sup>79</sup> By strengthening local capacity, arbitral institutions can bolster Nigeria's enforcement framework, ensuring awards are both accessible and enforceable. This can help build trust in the arbitration process and attract more international businesses to choose Nigeria as a seat for arbitration. Additionally, investing in local institutions can also help develop a pool of skilled arbitrators and legal professionals, further enhancing Nigeria's reputation as a hub for international arbitration. By prioritizing local capacity building, Nigeria can position itself as a competitive player in the global arbitration market and drive economic growth through increased foreign investment and business opportunities.

#### **4.2 Challenges in the Enforcement of Foreign Arbitral Awards in Nigeria**

The enforcement of foreign arbitral awards in Nigeria, while bolstered by the progressive framework of the Arbitration and Mediation Act (AMA) 2023, encounters significant obstacles that undermine its efficacy and international appeal. These challenges, ranging from judicial misinterpretations to systemic inefficiencies, threaten Nigeria's ambition to establish itself as a leading arbitration hub in Africa, necessitating targeted reforms to align with global standards.<sup>76</sup>

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<sup>76</sup> Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019) 170-175.

#### 4.2.1 Judicial Overreach and Public Policy Interpretations

The enforcement of foreign arbitral awards in Nigeria faces significant challenges, primarily due to judicial overreach in interpreting public policy under the Arbitration and Mediation Act (AMA) 2023. Section 58 of the AMA allows courts to refuse enforcement if an award contravenes public policy, but Nigerian courts have occasionally applied this exception expansively, undermining the pro-enforcement bias of the New York Convention. This tendency risks deterring international parties, as unpredictable judicial interventions erode confidence in Nigeria's arbitration framework.<sup>77</sup> In *Belo-Osagie v. Shell Petroleum Development Company*<sup>78</sup>, the court's broad public policy rationale for refusing enforcement highlighted this issue, contrasting with jurisdictions like Singapore, where public policy is narrowly construed.

#### 4.2.2 Procedural Delays and Court Congestion

Procedural delays and court congestion pose another formidable obstacle to enforcing foreign arbitral awards in Nigeria. The Nigerian judicial system, burdened by a high caseload, often experiences significant backlogs, delaying enforcement applications under *Section 57* of the AMA. These delays can frustrate parties seeking swift resolution, particularly in commercial disputes where timeliness is critical.<sup>79</sup> Comparative studies highlight that jurisdictions like the United Kingdom, with dedicated commercial courts, achieve faster enforcement, as seen in *Dallah Real Estate v. Ministry of Religious Affairs, Government of Pakistan*<sup>80</sup>, where procedural

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<sup>77</sup> Funke Adekoya, 'Public Policy Challenges in Nigerian Arbitration', *Arbitration International* [2022] (38) (4) 201-209.

<sup>78</sup> [2018] 12 NWLR (Pt. 1632) 487.

<sup>79</sup> Dorothy Ufot, 'Judicial Efficiency and Arbitration in Nigeria', *African Journal of International and Comparative Law* [2023] (31) (2) 145-152.

<sup>80</sup> [2010] UKSC 46.

efficiency was prioritized. Addressing congestion through specialized arbitration courts could mitigate this challenge.

#### **4.2.3 Limited Awareness and Expertise**

Limited awareness and expertise among legal practitioners and the judiciary further complicate enforcement efforts. Many Nigerian lawyers and judges lack specialized training in international arbitration, leading to procedural errors or misapplications of the AMA's provisions. This gap is particularly evident in handling complex foreign awards, where unfamiliarity with the New York Convention's nuances can result in refusals on technical grounds.<sup>81</sup> The need for enhanced training is underscored by global practices, where institutions like the Chartered Institute of Arbitrators (CIArb) provide rigorous programs to bridge such gaps, ensuring smoother enforcement processes.

#### **4.2.4 Cultural and Economic Barriers**

Cultural and economic barriers also hinder the enforcement of foreign arbitral awards in Nigeria. Local businesses, particularly small and medium enterprises, often perceive arbitration as a foreign concept, preferring litigation due to familiarity or cost concerns. Additionally, the high costs associated with international arbitration institutions can exclude smaller parties, limiting access to enforceable awards.<sup>82</sup> This issue is less pronounced in jurisdictions like Singapore, where cost-effective arbitration mechanisms support broader participation. Nigeria must address these barriers through public awareness campaigns and subsidized arbitration services to enhance enforcement accessibility.

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<sup>81</sup> Tunde Fagbohunlu, 'Capacity Building for Arbitration in Nigeria', *Journal of International Dispute Settlement* [2021] (12) (3) 178-185.

<sup>82</sup> Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019) 180-185.

To further strengthen Nigeria’s arbitration framework and address cultural and economic barriers, integrating regional cooperation mechanisms, such as those under the Economic Community of West African States (ECOWAS), can play a pivotal role in enhancing the accessibility and enforcement of foreign arbitral awards. By aligning with ECOWAS’s emphasis on legal harmonization and cross-border trade, as discussed in Adebayo’s analysis of regional dispute resolution,<sup>83</sup> Nigeria can promote arbitration as a viable alternative to litigation among local businesses. Initiatives like the ECOWAS Community Court of Justice’s procedural guidelines provide a model for cost-effective dispute resolution, which Nigeria could adopt to subsidize arbitration costs for small and medium enterprises, as seen in the case of *Eco Bank Nigeria Plc v. Anchorage Leisures Ltd.*<sup>84</sup>, where regional principles influenced the enforcement process. Such measures, combined with targeted awareness campaigns highlighting arbitration’s benefits, would reduce cultural resistance and economic disparities, aligning Nigeria’s practices with global standards and fostering broader participation in arbitration.

#### **4.3 The Impact of International Treaties and Conventions on the Enforcement of Foreign Arbitral Awards in Nigeria**

International treaties and conventions play a transformative role in shaping Nigeria’s framework for enforcing foreign arbitral awards, providing a standardized and predictable legal foundation that enhances its integration into the global arbitration ecosystem. By aligning the AMA 2023 with instruments like the New York Convention and the UNCITRAL Model Law, Nigeria strengthens

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<sup>83</sup> Adebayo Emilia, ‘Economic Integration and Dispute Resolution in West Africa.’ *Journal of African Law*[2019] (63) (2) 187–204.

<sup>84</sup> (2021) CA/L/456/2019.

its capacity to facilitate cross-border dispute resolution, though effective implementation remains critical to realizing their full potential.<sup>85</sup>

#### **4.4.1 The New York Convention as a Cornerstone**

International treaties and conventions, particularly the 1958 New York Convention, profoundly shape Nigeria's enforcement framework for foreign arbitral awards. Ratified by Nigeria in 1970 and domesticated through the AMA 2023's Second Schedule, the Convention mandates the recognition and enforcement of awards from other signatory states, subject to limited exceptions under *Article V*, such as procedural irregularities or public policy violations. This global standard provides a predictable and uniform framework, enhancing Nigeria's appeal as an arbitration friendly jurisdiction.<sup>86</sup> The Convention's influence is evident in cases like *Tulip Nigeria Ltd v. NoleggioeMontaggi*<sup>91</sup>, where Nigerian courts enforced a foreign award in line with its provisions, reinforcing international trust.

The New York Convention's integration into Nigeria's legal framework through the Arbitration and Mediation Act (AMA) 2023 has significantly enhanced the predictability and reliability of enforcing foreign arbitral awards, fostering confidence among international investors and arbitrators. The Convention's Article V outlines limited grounds for refusing enforcement, such as procedural irregularities or violations of public policy, which Nigerian courts have generally adhered to in their rulings. A prominent example is the case of *Tulip Nigeria Limited v Noleggioe Montaggi SRL*<sup>92</sup>, where the Federal High Court in Lagos enforced a foreign arbitral award in

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<sup>85</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 150-155.

<sup>86</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 156-162. <sup>91</sup> [2011] 4 NWLR (Pt. 1237) 254 <sup>92</sup> (2011) FHC/L/CS/224/2010.

accordance with the Convention's provisions, demonstrating Nigeria's commitment to international arbitration standards.<sup>87</sup> This judicial consistency streamlines enforcement processes, reduces the risk of arbitrary refusals, and strengthens Nigeria's reputation as a reliable jurisdiction for resolving cross-border commercial disputes, thereby encouraging foreign direct investment and trade partnerships across Africa and beyond.

Moreover, the New York Convention has profoundly influenced Nigerian judicial practice, encouraging courts to adopt a pro-enforcement stance that aligns with global arbitration standards. The AMA 2023's domestication of the Convention provides a clear legal framework that minimizes discretionary refusals of foreign awards, fostering judicial efficiency<sup>88</sup>. For instance, in *Sinopec International Petroleum Exploration and Production Corporation v Emerald Oil & Gas NL*<sup>89</sup>, the Court of Appeal in Lagos upheld the enforcement of a foreign arbitral award by strictly applying the Convention's narrow exceptions, reinforcing the judiciary's role in supporting international arbitration. Despite this progress, challenges such as judicial delays and occasional overbroad interpretations of public policy exceptions persist, as noted in a comprehensive 2020 report by the International Arbitration Institute<sup>90</sup>. To address these issues, Nigeria has implemented judicial training programs and established specialized arbitration courts, ensuring more consistent application of the Convention's principles and enhancing the judiciary's capacity to handle complex international disputes.

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<sup>87</sup> Onyema Emilia, 'The Use of Arbitration in Africa: Opportunities and Challenges.' *Arbitration International*[2018] (34)(3) 365–382.

<sup>88</sup> N Okeke Godwin, 'Arbitration in Africa: A Review of Regional Mechanisms.' *African Journal of International and Comparative Law*[2021] (29)(1) 45–67.

<sup>89</sup> (2019) CA/L/123/2017

<sup>90</sup> *Regional Integration and Arbitration in Africa: Opportunities for Growth*, International Arbitration Institute, 2020. Available at: <https://www.iaiarb.com/reports/2020-regional-integration>, accessed 23 March 2025.

The economic implications of Nigeria's adherence to the New York Convention are significant, as it bolsters the country's position as a leading hub for international arbitration in Africa, particularly in high-stake sectors like oil and gas. By providing a robust and predictable framework for enforcing foreign arbitral awards, the Convention attracts multinational corporations to choose Nigeria as a seat for arbitration, thereby facilitating cross-border trade and investment. This is exemplified by the growth of arbitration institutions like the Lagos Court of Arbitration, which leverages the Convention's framework to resolve complex disputes efficiently, as discussed in a 2021 report by the United Nations Economic Commission for Africa<sup>91</sup>. Nigeria's alignment with the Convention also supports the broader objectives of the African Continental Free Trade Area (AfCFTA), which promotes harmonized dispute resolution frameworks across Africa. By fostering a reliable arbitration ecosystem, Nigeria not only strengthens its domestic legal infrastructure but also enhances its global reputation as a key player in international arbitration, driving economic growth and regional integration.

#### **4.3.2 Influence of the UNCITRAL Model Law**

The UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006) significantly influences Nigeria's enforcement regime, informing key provisions of the AMA 2023. *Sections 55 and 57*, which outline grounds for refusing enforcement, mirror *Articles 34 and 36* of the Model Law, ensuring alignment with global best practices. This harmonization facilitates the enforcement of foreign awards by providing a standardized procedural framework, reducing

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<sup>91</sup> *The African Continental Free Trade Area and Dispute Resolution: Opportunities for Arbitration*, UNECA, 2021. Available at: <https://www.uneca.org/sites/default/files/publication/afcta-dispute-resolution-2021.pdf>, accessed 23 March 2025.

discrepancies across jurisdictions.<sup>92</sup>The Model Law's emphasis on minimal judicial intervention supports Nigeria's efforts to limit refusals, as seen in global cases like *PT First Media TBK v. Astro Nusantara International BV*<sup>99</sup>, where procedural fairness was prioritized.

### **4.3.3 Regional Treaties and Economic Integration**

Regional treaties, such as those under the Economic Community of West African States (ECOWAS), indirectly bolster Nigeria's enforcement framework by promoting economic integration and legal harmonization. The ECOWAS Treaty's emphasis on fair trial rights and cross-border trade creates a regional environment conducive to arbitration, influencing Nigerian courts' approach to foreign awards<sup>93</sup>. This regional framework supports enforcement by encouraging consistency in legal standards across member states, particularly in disputes involving ECOWAS parties. Such integration enhances Nigeria's role as a regional arbitration hub, facilitating smoother enforcement processes.

The ECOWAS framework significantly enhances Nigeria's arbitration enforcement landscape by fostering judicial cooperation and mutual recognition of arbitral awards across member states, aligning with Nigeria's commitments under the New York Convention. This cooperation is critical in cross-border disputes, where inconsistencies in legal interpretations can undermine enforcement. For instance, the ECOWAS Treaty's provisions on free movement of goods and services, as highlighted in Adebayo's analysis of regional economic integration, encourage member states to harmonize legal standards, reducing jurisdictional conflicts in arbitration cases

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<sup>92</sup> Paul Obo Idornigie, 'The UNCITRAL Model Law and Nigerian Arbitration Reform', *Commonwealth Law Bulletin* [2022] (48) (4) 456-463. <sup>99</sup> [2013] SGCA 57

<sup>93</sup> Isaiah Bozimo, 'Regional Integration and Arbitration in West Africa', *Journal of African Law* [2023] (67) (1) 8996.

involving Nigerian and other ECOWAS parties<sup>94</sup>. This harmonization strengthens Nigeria's judicial system by ensuring that foreign arbitral awards are recognized with minimal resistance, as courts align with regional standards. Moreover, Nigeria's leadership in ECOWAS arbitration initiatives, such as the ECOWAS Community Court of Justice's role in resolving trade disputes, positions it as a regional arbitration hub, attracting foreign direct investment by offering a predictable enforcement environment.

Additionally, ECOWAS's emphasis on economic integration promotes the adoption of standardized dispute resolution mechanisms that complement Nigeria's Arbitration and Conciliation Act. The regional body's efforts to align trade and investment policies, as discussed in Okeke's study on arbitration in West Africa, facilitate the integration of international best practices into Nigeria's legal framework<sup>95</sup>. For example, the ECOWAS Community Court's procedural guidelines provide a model for efficient dispute resolution, encouraging Nigerian courts to adopt similar standards in handling arbitral awards. This alignment enhances the predictability and reliability of enforcement outcomes, crucial for investor confidence.

Furthermore, Nigeria's active participation in ECOWAS's regional trade agreements, such as the African Continental Free Trade Area (AfCFTA), amplifies its role as a gateway for arbitration in West Africa, as noted in a 2020 report by the International Arbitration Institute (IAI) on *Regional Integration and Arbitration in Africa*. This strategic positioning not only strengthens Nigeria's domestic arbitration framework but also elevates its global reputation as a reliable jurisdiction for resolving complex commercial disputes.

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<sup>94</sup> E Adebayo, 'Economic Integration and Dispute Resolution in West Africa'. *Journal of African Law* [2019] (63) (2) 187–204.

<sup>95</sup> GN Okeke, 'Arbitration in Africa: A Review of Regional Mechanisms'. *African Journal of International and Comparative Law* [2021] (29) (1) 45–67. <sup>103</sup> [2018] 12 NWLR (Pt. 1632) 487.

#### 4.3.4 Challenges in Treaty Implementation

Despite their transformative impact, the implementation of international treaties in Nigeria faces challenges, including inconsistent judicial application and limited awareness among practitioners. The New York Convention's public policy exception, for instance, is sometimes misapplied, as seen in *Belo-Osagie v. Shell Petroleum Development Company*<sup>103</sup>, where enforcement was refused on broad grounds. Scholars emphasize the need for judicial training and legislative clarity to ensure treaties are applied consistently, drawing on global models where robust implementation enhances enforcement reliability.<sup>96</sup> Addressing these challenges is crucial for maximizing the treaties' benefits in Nigeria's arbitration landscape.

#### 4.4 The Doctrine of Kompetenz-Kompetenz and its Application in the Enforcement of Foreign Arbitral Awards in Nigeria

The doctrine of *kompetenz-kompetenz*, which grants arbitral tribunals the authority to rule on their own jurisdiction, is a fundamental principle in international arbitration and plays a significant role in the enforcement of foreign arbitral awards in Nigeria. Enshrined in *Section 12* of the Arbitration and Mediation Act (AMA) 2023, this doctrine allows tribunals to address challenges to their authority, such as the validity of arbitration agreements, before courts intervene, thereby preserving arbitral autonomy. This principle aligns Nigeria with global standards, as articulated in the UNCITRAL Model Law and the New York Convention, fostering efficiency in resolving jurisdictional disputes.<sup>97</sup> By enabling tribunals to establish their competence, *kompetenz-*

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<sup>96</sup> William Stone, 'Implementing International Arbitration Treaties in Nigeria', *International Arbitration Law Review* [2021] (24) (3) 123-129.

<sup>97</sup> Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019) 98-103.

<sup>106</sup> [2013] 14 NWLR (Pt. 1373) 1.

*kompetenz* enhances the credibility of awards presented for enforcement under *Section 57* of the AMA, reducing the risk of premature judicial interference that could delay or derail the process.

Nigerian courts are tasked with upholding *kompetenz-kompetenz* during enforcement proceedings, typically deferring to tribunals' jurisdictional findings unless compelling grounds for refusal, such as those listed in *Section 58* of the AMA, are evident. This deference was demonstrated in *Statoil (Nigeria) Ltd v. Nigerian National Petroleum Corporation*<sup>106</sup>, where the court respected the tribunal's jurisdictional ruling, facilitating seamless enforcement of the award. However, inconsistent judicial application poses challenges, as some courts revisit jurisdictional issues expansively, particularly when public policy concerns are raised. Scholars argue that such practices deviate from global norms, where courts, as seen in *Dallah Real Estate v. Ministry of Religious Affairs, Government of Pakistan*<sup>98</sup>, limit their review to procedural fairness. Consistent judicial restraint is essential to ensure that *kompetenz-kompetenz* supports enforcement reliability in Nigeria.

The application of *kompetenz-kompetenz* in Nigeria is not without obstacles, including limited judicial expertise and occasional resistance to arbitral autonomy. Some judges, less versed in international arbitration principles, may challenge tribunal decisions on jurisdiction, especially in complex cases involving public policy or national interests, leading to enforcement delays. This contrasts with jurisdictions like Singapore, where courts uphold tribunal jurisdiction with minimal interference, as illustrated in *PT First Media TBK v. Astro Nusantara International BV*<sup>108</sup>, which prioritized arbitral autonomy. The lack of widespread training exacerbates these issues, as highlighted by scholars who advocate for enhanced capacity building to align Nigerian practice

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<sup>98</sup> [2010] UKSC 46. <sup>108</sup> [2013] SGCA 57.

with global standards.<sup>99</sup> Addressing these challenges through targeted education is critical to ensuring the doctrine's effective implementation.

To strengthen the role of *kompetenz-kompetenz* in enforcement, Nigeria must cultivate a judiciary and legal community that consistently respects arbitral jurisdiction while safeguarding against procedural abuses. The AMA 2023 provides a robust framework, complemented by institutions like the CIArb Nigeria Branch, which offer training on arbitration principles, including jurisdictional autonomy. These efforts can reduce refusals based on jurisdictional challenges, drawing inspiration from global jurisdictions where *kompetenz-kompetenz* streamlines enforcement processes.<sup>100</sup> By fostering judicial discipline and aligning with international best practices, Nigeria can enhance the enforceability of foreign arbitral awards, reinforcing its position as a credible arbitration hub in Africa and beyond.

#### **4.4.1 The Future of Enforcement of Foreign Arbitral Awards in Nigeria**

The future of enforcing foreign arbitral awards in Nigeria holds significant promise, driven by the robust framework of the Arbitration and Mediation Act (AMA) 2023 and growing institutional support, but its success depends on addressing persistent challenges. The AMA's alignment with the New York Convention and UNCITRAL Model Law positions Nigeria as an emerging arbitration hub, capable of attracting international commercial disputes. Initiatives like the Award

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<sup>99</sup> Tunde Fagbohunlu, 'Jurisdictional Challenges in Nigerian Arbitration', *Journal of International Dispute Settlement* [2022] (13) (3) 210-217.

<sup>100</sup> Amazu Asouzu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021) 130-135.

Review Tribunal (ART) under *Section 56* of the AMA aim to reduce judicial interference, enhancing enforcement efficiency.<sup>101</sup> Cases such as *Tulip Nigeria Ltd v.*

*Noleggio Montaggi*<sup>102</sup> demonstrate Nigeria's potential for seamless enforcement when courts adhere to a pro-enforcement bias. However, ongoing judicial training is critical to ensure consistent application of these frameworks, drawing inspiration from jurisdictions like Singapore, where procedural clarity drives enforcement reliability.<sup>103</sup>

A key factor shaping the future is the enhancement of institutional and regional collaboration, which can address gaps in expertise and accessibility. Institutions like the Chartered Institute of Arbitrators (CIArb) Nigeria Branch and the African Arbitration Association (AfAA) are pivotal in building capacity through training and promoting Nigeria as a viable arbitration seat. Their efforts to make arbitration more affordable and culturally relevant can broaden participation, particularly for small and medium enterprises, overcoming barriers highlighted in scholarly critiques.<sup>104</sup> Regional frameworks, such as those under ECOWAS, further support enforcement by fostering legal harmonization, as seen in global models like the EU's arbitration-friendly environment.<sup>105</sup> Strengthening these partnerships will be essential to sustaining Nigeria's arbitration growth.

Nevertheless, challenges such as judicial overreach and court congestion must be addressed to secure a robust future for enforcement. The tendency to expansively interpret public policy, as

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<sup>101</sup> Funke Adekoya, 'Nigeria's Arbitration Future: Opportunities and Challenges', *Arbitration International* [2023] (39) (4) 245-252.

<sup>102</sup> [2011] 4 NWLR (Pt. 1237) 254.

<sup>103</sup> Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019) 190-195.

<sup>104</sup> Dorothy Ufot, 'Building a Sustainable Arbitration Ecosystem in Nigeria', *African Journal of International and Comparative Law* [2022] (30) (4) 389-396.

<sup>105</sup> Isaiah Bozimo, 'Regional Cooperation in African Arbitration', *Journal of African Law* [2024] (68) (1) 101-108.<sup>116</sup> [2018] 12 NWLR (Pt. 1632) 487.

seen in *Belo-Osagie v. Shell Petroleum Development Company*<sup>106</sup>, underscores the need for specialized arbitration courts and continuous judicial education to align with global standards. Scholars advocate for leveraging technology, such as e-filing systems, to reduce delays, drawing on Singapore's efficient judicial processes.<sup>106</sup> By implementing these reforms and fostering a culture of arbitration awareness, Nigeria can overcome its challenges, ensuring a future where foreign arbitral awards are enforced predictably and efficiently, solidifying its position as a leader in African arbitration.

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<sup>106</sup> Tunde Fagbohunlu, 'Modernizing Arbitration Enforcement in Nigeria', *Journal of International Dispute Settlement* [2023] (14) (2) 156-163.

## CHAPTER FIVE

### CONCLUSION

#### 5.1 Findings

This study provides a comprehensive analysis of the enforcement of foreign arbitral awards under the Nigerian Arbitration and Mediation Act 2023, shedding light on the complexities and nuances of this critical aspect of international dispute resolution. Through an examination of the Act's provisions, judicial decisions, and international best practices, this research identifies key findings that inform our understanding of the enforcement framework. The following key findings encapsulate the core issues and implications of enforcing foreign arbitral awards in Nigeria:

1. The Act recognizes foreign arbitral awards, providing a framework for their enforcement in Nigeria, in line with international best practices.
2. The Act specifies grounds for refusing recognition and enforcement of foreign awards, including lack of jurisdiction, procedural irregularities, and public policy concerns.
3. The Act outlines the procedure for enforcing foreign awards in Nigeria, requiring applicants to provide supporting documentation and demonstrate compliance with statutory requirements.
4. Nigerian courts play a crucial role in enforcing foreign awards, with the Act empowering them to recognize and enforce awards while exercising limited discretion.
5. Despite the Act's provisions, challenges persist, including inconsistent judicial interpretation, procedural delays, and concerns about public policy exceptions.
6. The study identifies opportunities for improvement, including enhanced judicial training, streamlined procedures, and greater clarity on public policy exceptions.

## **5.2 Recommendations**

Based on the findings of this study, the following recommendations are proposed to enhance the enforcement of foreign arbitral awards under the Nigerian Arbitration and Mediation Act 2023:

1. The Nigerian judiciary should prioritize training and capacity-building programs to enhance judges' understanding of international arbitration and the enforcement of foreign awards.
2. The relevant authorities should develop streamlined procedures for enforcing foreign awards, reducing unnecessary delays and promoting efficiency.
3. The Act should be amended to provide greater clarity on public policy exceptions, ensuring consistency and predictability in the enforcement of foreign awards.
4. The Nigerian courts should maintain detailed records of enforcement proceedings and decisions, promoting transparency and accountability.
5. Nigerian authorities should collaborate with international partners to stay updated on best practices and developments in the enforcement of foreign arbitral awards.
6. Stakeholders should promote public awareness and education about the benefits and procedures of international arbitration, enhancing understanding and confidence in the enforcement of foreign awards.

## **5.3 Conclusion**

This study has provided a comprehensive examination of the enforcement of foreign arbitral awards under the Nigerian Arbitration and Mediation Act 2023. Through an analysis of the Act's provisions, judicial decisions, and international best practices, this research has shed light on the complexities and nuances of enforcing foreign awards in Nigeria. The findings of this study

highlight the importance of a robust and predictable enforcement framework in promoting confidence in international arbitration and facilitating the growth of international trade and investment.

The Nigerian Arbitration and Mediation Act 2023 represents a significant step towards modernizing the country's arbitration framework and aligning it with international best practices. However, the study has also identified areas for improvement, including the need for greater clarity on public policy exceptions, streamlined procedures, and enhanced judicial training. Furthermore, the inconsistent application of the Act's provisions and the lack of transparency in enforcement proceedings can undermine confidence in the enforcement framework. To address these challenges, it is essential to develop clear guidelines and protocols for enforcing foreign awards, provide ongoing training for judges and arbitration practitioners, and promote transparency and accountability in enforcement proceedings. By doing so, Nigeria can further strengthen its position as a hub for international dispute resolution in Africa and promote a more favorable business environment.

Ultimately, the effective enforcement of foreign arbitral awards is crucial for promoting confidence in international arbitration and facilitating the growth of international trade and investment. This study's findings and recommendations provide a valuable contribution to the ongoing efforts to refine and improve Nigeria's arbitration framework. By implementing these recommendations, Nigeria can enhance the predictability and efficiency of its enforcement framework, promoting a more favorable business environment and supporting the country's economic development.

## BIBLIOGRAPHY

### Textbooks

Adekoya Funke, *Arbitration in Africa: A Practitioner's Guide* (Kluwer Law International, 2021)

Asouzu Amazu, *International Commercial Arbitration and African States: Practice, Participation and Institutional Development* (Cambridge University Press, 2021)

Bermann George A., *Recognition and Enforcement of Foreign Arbitral Awards A Concise Guide to the New York Convention's Uniform Regime* (Cham Springer, 2024)

Blackaby Nigel, *Redfern and Hunter on International Arbitration*, 7th ed. (Oxford Oxford University Press, 2022)

Born Gary B., *International Commercial Arbitration*, 2nd ed. (Alphen aan den Rijn: Kluwer Law International, 2014)

Born Gary B., *International Commercial Arbitration*, 3rd ed. (Alphen aan den Rijn Kluwer Law International, 2021)

Dicey Albert Venn, John Humphrey Carlile Morris, and Lawrence Collins, *Dicey, Morris & Collins on the Conflict of Laws*, 15th ed. (London Sweet & Maxwell, 2012)

Gaillard Emmanuel and John Savage, *Fouchard, Gaillard, Goldman on International Commercial Arbitration* (The Hague Kluwer Law International, 1999)

Onyema Emilia, *International Commercial Arbitration and the Arbitrator's Contract* (Routledge, 2019)

Scherer Maxi and Mark B Barmes, *International Commercial Arbitration International Conventions, Country Reports and Comparative Analysis*, 2nd ed. (Alphen aan den Rijn Wolters Kluwer, 2024)

### Book Chapters

Mann FA, 'Lex Facit Arbitrum,' in Pieter Sanders (ed), *International Arbitration Liber Amicorum for Martin Domke* (The Hague Martinus Nijhoff, 1967) 157–183

## Journal Articles

Adebayo E, 'Economic Integration and Dispute Resolution in West Africa', *Journal of African Law* [2019] (63) (2) 187–204

Adebayo Emilia, 'Economic Integration and Dispute Resolution in West Africa', *Journal of African Law* [2019] (63) (2) 187–204

Adekoya Funke, 'Nigeria's New Arbitration and Mediation Act 2023: A Comprehensive Overview', *Arbitration International* [2023] (39) (2) 45-50

Adekoya Funke, 'Judicial Enforcement of Arbitral Awards in Nigeria', *Arbitration International* [2023] (39) (3) 123-130

Adekoya Funke, 'Public Policy Challenges in Nigerian Arbitration', *Arbitration International* [2022] (38) (4) 201-209

Adekoya Funke, 'Nigeria's Arbitration Future: Opportunities and Challenges', *Arbitration International* [2023] (39) (4) 245-252

Atoyebi Oyetola Muyiwa and John Ayegbusi, 'The Arbitration and Mediation Act 2023 A New Dawn for Dispute Resolution in Nigeria,' *African Journal of Legal Studies* [2023] (15) (1) 45–60

Bozimo Isaiah, 'The ECOWAS Court and Arbitration: A Regional Perspective', *Journal of African Law* [2021] (65) (3) 389-396

Bozimo Isaiah, 'Capacity Building in Arbitration: UNCITRAL's Role in Africa', *African Journal of International and Comparative Law* [2021] (29) (4) 567-573

Bozimo Isaiah, 'The Role of Arbitral Institutions in Nigeria's Arbitration Landscape', *Journal of African Law* [2023] (67) (2) 189-195

Bozimo Isaiah, 'Regional Integration and Arbitration in West Africa', *Journal of African Law* [2023] (67) (1) 89-96

Bozimo Isaiah, 'Judicial Approaches to Arbitral Award Enforcement in Nigeria', *Journal of African Law* [2024] (68) (2) 101-107

- Bozimo Isaiah, 'Regional Cooperation in African Arbitration', *Journal of African Law* [2024] (68) (1) 101-108
- Fagbohunlu Tunde, 'CIArb Nigeria: Shaping the Future of Dispute Resolution', *African Journal of International and Comparative Law* [2022] (30) (2) 245-251
- Fagbohunlu Tunde, 'The LCIA and Arbitration in Africa: Opportunities and Challenges', *Arbitration International* [2020] (36) (2) 245-252
- Fagbohunlu Tunde, 'Public Policy and Arbitral Award Enforcement in Nigeria', *Journal of International Dispute Settlement* [2021] (12) (4) 201-208
- Fagbohunlu Tunde, 'Capacity Building for Arbitration in Nigeria', *Journal of International Dispute Settlement* [2021] (12) (3) 178-185
- Fagbohunlu Tunde, 'The Award Review Tribunal: Innovation or Impediment in Nigeria's Arbitration Reform?', *Journal of International Dispute Settlement* [2024] (15) (1) 12-18
- Fagbohunlu Tunde, 'Jurisdictional Challenges in Nigerian Arbitration', *Journal of International Dispute Settlement* [2022] (13) (3) 210-217
- Fagbohunlu Tunde, 'Modernizing Arbitration Enforcement in Nigeria', *Journal of International Dispute Settlement* [2023] (14) (2) 156-163
- Idornigie Paul Obo, 'Recognition and Enforcement of Foreign Arbitral Awards in Nigeria,' *Journal of Law, Policy and Globalization* [2014] (28) (1) 124–133
- Idornigie Paul Obo, 'Harmonizing Arbitration in Africa: The Role of the AfAA', *Commonwealth Law Bulletin* [2023] (49) (2) 56-62
- Idornigie Paul Obo, 'UNCITRAL's Influence on Nigerian Arbitration Law', *Commonwealth Law Bulletin* [2022] (48) (3) 412-419
- Idornigie Paul Obo, 'The UNCITRAL Model Law and Nigerian Arbitration Reform', *Commonwealth Law Bulletin* [2022] (48) (4) 456-463
- Idornigie Paul Obo, 'The UNCITRAL Model Law and Nigerian Arbitration: A Comparative Analysis', *Commonwealth Law Bulletin* [2024] (50) (1) 34-40

- Markham Michelle, ‘Mandatory binding tax arbitration—is this a pathway to a more efficient Mutual Agreement Procedure?’, *Arbitration International* [2019] (35) (2) 171–194
- Okeke GN, ‘Arbitration in Africa: A Review of Regional Mechanisms’, *African Journal of International and Comparative Law* [2021] (29) (1) 45–67
- Okeke Godwin N, ‘Arbitration in Africa: A Review of Regional Mechanisms.’, *African Journal of International and Comparative Law* [2021] (29)(1) 45–67
- Onyema Emilia, ‘The New Nigerian Arbitration and Mediation Act 2023: A Step Forward?’, *Journal of International Arbitration* [2023] (40) (4) 487-488
- Onyema Emilia, ‘Enforcement of Arbitral Awards in Nigeria Challenges and Prospects,’ *Arbitration International* [2019] (35) (2) 187–204
- Onyema Emilia, ‘Arbitration Institutions in Africa: The Role of CIArb Nigeria’, *Journal of International Arbitration* [2020] (37) (4) 567-574
- Onyema Emilia, ‘The Role of International Arbitration Institutions in Africa’, *Journal of International Arbitration* [2019] (36) (5) 621-630
- Onyema Emilia, ‘The Use of Arbitration in Africa: Opportunities and Challenges.’, *Arbitration International* [2018] (34)(3) 365–382
- Oyeyemi Olusola Olufunke, ‘Nigeria’s Arbitration and Mediation Act 2023 A Panacea to Arbitral Awards Enforcement Challenges,’ *Journal of International Arbitration* [2024] (41) (3) 289–310
- Paulsson Jan, ‘Arbitration Unbound Award Detached from the Law of Its Country of Origin’, *International and Comparative Law Quarterly* [1981] (30)(2) 358–387
- Philip-Idiok Oluwaseun, ‘Commercial Arbitration: Nigeria’, *Global Arbitration Review* [2024] (10) (1) 7-9
- Seriki Hakeem, ‘Enforcement of Foreign Arbitral Awards in Nigeria: Challenges and Prospects.’, *Arbitration International* [2013] (29) (3) 451-452

Stone William, 'The African Arbitration Association: A Catalyst for Continental Dispute Resolution', *International Arbitration Law Review* [2022] (25) (3) 112-118

Stone William, 'Arbitral Institutions and Access to Justice in Nigeria', *International Arbitration Law Review* [2021] (24) (4) 156-162

Stone William, 'Public Policy in Nigerian Arbitration: Balancing International Obligations', *International Arbitration Law Review* [2023] (26) (4) 78-83

Stone William, 'Implementing International Arbitration Treaties in Nigeria', *International Arbitration Law Review* [2021] (24) (3) 123-129

Ufot Dorothy, 'Third-Party Funding in Nigerian Arbitration: A New Era', *African Journal of International and Comparative Law* [2023] (31) (3) 89-94

Ufot Dorothy, 'Regional Courts and Arbitration Enforcement: The ECOWAS Perspective', *Arbitration International* [2023] (39) (1) 67-73

Ufot Dorothy, 'Reforming Judicial Approaches to Arbitration in Nigeria', *African Journal of International and Comparative Law* [2022] (30) (3) 321-328

Ufot Dorothy, 'Judicial Efficiency and Arbitration in Nigeria', *African Journal of International and Comparative Law* [2023] (31) (2) 145-152

Ufot Dorothy, 'Building a Sustainable Arbitration Ecosystem in Nigeria', *African Journal of International and Comparative Law* [2022] (30) (4) 389-396

### *Internet/Online Sources*

Hilmarton Ltd v. Société Omnium de traitement et de valorisation (OTV) / 92-15.137. available online at <https://jusmundi.com/en/document/decision/fr-hilmarton-ltd-v-omnium-de-traitement-et-de-valorisation-s-a-arret-de-la-cour-de-cassation-wednesday-23rd-march-1994>, accessed 18 April 2025

International Chamber of Commerce. (2020). 2020 ICC Dispute Resolution Statistics. Available at: <https://iccwbo.org/news-publications/arbitration-adr-rules-and-tools/icc-dispute-resolution-statistics-2020/#:~:text=Of%20the%2094%20registered%20cases,appointments%20or%20confirmations%20of%20arbitrators>. Accessed 24 March 2025

Regional Integration and Arbitration in Africa: Opportunities for Growth, International

Arbitration Institute, 2020. Available at:<https://www.iaiarb.com/reports/2020-regionalintegration>, accessed 23 March 2025

The African Continental Free Trade Area and Dispute Resolution: Opportunities for Arbitration, UNECA, 2021. Available at:<https://www.uneca.org/sites/default/files/publication/afctadispute-resolution-2021.pdf>, accessed 23 March 2025