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CORPORATE & IN-HOUSE COUNSEL COMMITTEE

Chartered Institute of Arbitrators, Nigeria Branch

Guardians of Interests, Champions of Resolutions
CICC Arbitration & ADR Quarterly

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Letter from the Chair



Adenike Esan, PhD, FCI Arb, FCIS

Chair, Corporate & In-House
Counsel Committee
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It is my pleasure to present the inaugural edition of the Newsletter for the Corporate & In-House Counsel Committee (CICC) of the Chartered Institute of Arbitrators (UK), Nigeria Branch. This publication reflects our commitment to keeping practitioners, stakeholders, and all interested parties informed, connected, and engaged with developments in arbitration and alternative dispute resolution (ADR), particularly from the perspective of corporate and in-house counsel.

Since the inauguration of this Committee, our vision has been clear—to create a vibrant platform for corporate and in-house counsel to engage meaningfully with arbitration and other forms of alternative dispute resolution (ADR), not merely as end-users, but as strategic influencers in shaping outcomes, processes, and standards. At our core, we are Guardians of Interests, Champions of Resolutions.

In a relatively short period, we have begun to translate this vision into tangible impact. From hosting our monthly webinars and curating engaging in-person dialogues and events, to convening our first Bi-annual Members' Forum and launching the Inside Counsel – Conversations in ADR interview series, we have created spaces for candid dialogue, knowledge sharing, and peer learning—bridging the gap between theory and practice and amplifying the voice of corporate counsel within the ADR ecosystem.

This Newsletter forms part of our broader commitment to fostering informed and strategic engagement with arbitration and ADR. As dispute resolution continues to evolve in response to commercial realities and regulatory developments, it is imperative for practitioners to remain informed, adaptable, and forward-looking.

The articles in this edition reflect key issues shaping contemporary arbitration practice, while highlights from our recent webinars underscore the importance of transparency, efficiency, and inclusivity in strengthening confidence in dispute resolution systems.

We recognise that in-house counsel operate at the intersection of legal strategy, commercial realities, and risk management. Accordingly, our programmes are tailored to address real-world challenges—from dispute prevention and cost management to arbitrator selection, award quality, and post-award enforcement.

We are grateful for the commitment of our members, the support of the Branch leadership, and the goodwill of our partners and stakeholders. As we look ahead, our focus remains on deepening engagement, expanding our reach, and delivering value-driven initiatives that equip in-house counsel to navigate increasingly complex dispute landscapes with confidence and clarity.

This Newsletter is another step in that journey. We encourage you to stay engaged, contribute actively, and be part of this evolving community. The continued growth of arbitration and ADR in Nigeria will depend on sustained collaboration, knowledge sharing, and professional excellence.

We trust that you will find this publication insightful and relevant to your practice.



Featured Article 1

Choose and Pay!

Brief Reflections on the Perceived Cost of Arbitration

Introduction

In July 2025, the Corporate and In-House Counsel Committee of the Chartered Institute of Arbitrators, Nigeria Branch hosted an impressive cross-section of in-house counsel in the public and private sectors of Nigeria to a breakfast dialogue session in Lagos. One of the key topics for discussion at that session was the cost of using arbitration. Some participants were of the view that arbitration is—or had become—significantly more expensive than litigation. They cited arbitrators', administrative, and legal (attorney) fees on the one hand and the seemingly inevitable post-arbitration enforcement/annulment proceedings on the other hand as supporting facts. Others opted to balance *spend* (in purely monetary terms) with *value* (benefit derived from using arbitration), so that an arbitral proceeding which delivers a satisfactory outcome from a business perspective would not necessarily be considered “more expensive” merely because it costs more money.¹

Regardless of the side of the debate that one identifies with, it is at least fair to admit that arbitration can be an expensive alternative to litigation. What tends to fly under the radar, however, is the fact that a significant chunk of the costs associated with arbitration is directly attributable to parties' choices regarding the proceedings. Party autonomy—the principle that allows parties the freedom to determine certain important aspects of their arbitral procedure—is the bedrock of arbitration and, in a broader, *practical* sense, does have a bearing on the question of costs in arbitration. We briefly explore a few examples below.

• *Seat and venue of the arbitration*

It is up to parties, consistent with the concept of party autonomy, to choose the seat of their arbitration – a critical requirement for the arbitral process. The *seat* of arbitration refers to the territory whose legal system and courts will have supervisory jurisdiction over that proceeding while the *venue* of the arbitration refers to the actual geographical (or virtual) location(s) in which the arbitration proceedings are conducted. Proceedings in an arbitration in which parties have designated Accra (Ghana) as the seat of the arbitration, for example, could be physically conducted from start to finish in Lagos (Nigeria), but only a competent court in Ghana would have the legitimate jurisdiction to hear an application to set aside/annul an award handed down in that arbitration. In such an arbitration, Nigeria serves merely as a *venue* of the arbitration and, despite the entirety of the arbitral proceedings having been conducted in Nigeria, the resulting award would count as a foreign award in Nigeria.

While discussions regarding the *legal significance* of the choice of the seat of arbitration are a staple in arbitration texts, the potential *economic implications* associated with that choice tend to be given virtually no attention. Clearly, the choice of seat or venue of arbitral proceedings would also have some

* Victor is the Secretary of the Corporate and In-House Counsel Committee (the **Committee**) of CI Arb Nigeria and a Legal Counsel at Renaissance Africa Energy Company Ltd. This article is written in Victor's private capacity; the views expressed in it are entirely Victor's and do not necessarily reflect the position of the Committee or Victor's employers.

¹ Arbitration spend broadly consists of *arbitration costs* (i.e., arbitrators'/registrar's/institution's fees, administrative expenses such as venue, transport, and other logistics, preparation of the parties' cases, etc.) and *legal costs* (attorney fees).

cost significance which parties and their counsel would do well to keep in mind. For example, if the hypothetical arbitration cited above is between two Nigeria-based entities and any of the parties requires some judicial intervention such as provisional reliefs in support of the arbitration or—post the arbitration—seeks to annul an unfavourable award, the designation of Accra as the seat of arbitration would necessarily entail instructing a lawyer qualified to practice in Ghana to represent that party in court. This could potentially increase the overall legal costs associated with the arbitration beyond what might have been obtainable if the chosen seat had been in Nigeria. Conversely, if the parties had retained a seat of arbitration nearer home but agreed to a venue in, say, London, then the costs associated with attending hearings in London would also likely increase the overall costs of the arbitration.

The hint, therefore, is not to choose the seat or venue of arbitration based solely on the popularity of the location or samples from boiler plate provisions, but to also consider the economic realities of complying with the choice in the event disputes arise. Party autonomy clearly empowers parties to opt for pocket-friendly seats/venues for their arbitration and, in the grand scheme of things, nothing guarantees that an expensive seat/venue of arbitration would necessarily be more effective than a comparatively affordable one. If parties and counsel fail to appreciate the economic burden of their choice of arbitral seat/venue when the arbitration agreement is being negotiated, it would not be fair to blame the arbitral process for being costly when a dispute arises.

- **Number of arbitrators**

Historically, arbitral tribunals tended to consist of three arbitrators. Parties on the claimant and respondent sides would typically select their respective party-appointed arbitrators who then jointly appoint a third arbitrator to preside. Obviously, paying fees for three arbitrators would almost always be more expensive than paying for one. Yet, many continue with panels of three even for claims of relatively small value.

Modern arbitration statutes and institutional rules have now largely sought to intervene by providing for one arbitrator by default. In many commercial contracts, however, provisions on the number of arbitrators still exist and it remains fairly common to see blanket provisions for three arbitrators, thereby disabling the default sole arbitrator provisions. Knowing when to opt for three- or one-member arbitral tribunals, therefore, is one of the ways in which parties can use their party autonomy to control costs associated with the arbitration. A three-person panel and its associated costs might be ideal and justified in complex, high-value disputes but just too expensive for simpler, low-value ones. Indeed, it is not unusual in modern arbitration provisions to calibrate the number of arbitrators so that a single arbitrator would be required for claims under a certain monetary threshold and three arbitrators for claims above that threshold.

- **Quantum of claim**

The quantum of claim that a party seeks at arbitration is yet another example of the various ways through which parties' choices directly impact the ultimate cost of an arbitration. In most cases, the amount claimed in an arbitration is a key factor in the calculation of arbitrators' fees. A claim for an award of one hundred million would almost inevitably attract higher arbitrators' fees than one for ten million. Yet, it is common for parties to overly inflate their monetary claims beyond what they can prove or are reasonably entitled to even by their own internal assessment. Doing so only makes the arbitration more expensive and very rarely results in the "jackpot" amounts they claim. Keeping claims within realistic and provable limits, therefore, is one of the ways to manage the cost of arbitration.

Conclusion

The debate over the expense of arbitration is unlikely to go away any time soon. However, the liberty of choice allows users of arbitration, with reasonable skill and pragmatism in drafting arbitration agreements and the overall management of the arbitral process, to select and participate in arbitration in a reasonably cost-effective manner. The CI Arb offers helpful trainings for those who might wish to improve their knowledge and skills in that space.

Contributed by Victor C. Igwe (hello.victorigwe@gmail.com)



Featured Article 2

Nigeria's National Policy on Arbitration and ADR 2024: What It Signals for Arbitration Practice

Introduction

In October 2024, Nigeria adopted the National Policy on Arbitration and Alternative Dispute Resolution (ADR), 2024. The Policy forms part of the broader National Policy on Justice, 2024 and reflects a deliberate effort to strengthen arbitration and ADR as mechanisms for resolving commercial disputes; promoting treaty compliance, and enhancing investor confidence. Although Nigeria had already modernised its arbitration framework through the Arbitration and Mediation Act 2023 (AMA), policymakers recognised that legislative reform alone cannot transform a dispute resolution system. Institutional behaviour, judicial practice, and contracting culture also shape how arbitration operates in practice.

The National Arbitration Policy therefore seeks to address structural and perceptual challenges that have historically affected arbitration in Nigeria. It attempts to bridge the gap between legislative reform and practical implementation by encouraging institutional coordination across the judiciary, government agencies, and arbitration stakeholders. In doing so, it signals Nigeria's ambition to strengthen its arbitration ecosystem and position the country as a credible seat for domestic, regional, and international commercial arbitration.

Relationship with the Arbitration and Mediation Act 2023

The Policy does not replace the Arbitration and Mediation Act 2023 (AMA), which remains the primary source of enforceable rights and obligations governing arbitration and mediation in Nigeria. Rather, the Policy operates as a complementary instrument intended to reinforce and operationalise the statutory framework.

The AMA introduced several important reforms designed to align Nigeria's arbitration regime with international best practices. Among other things, it clarified procedural ambiguities under the repealed Arbitration and Conciliation Act 1988, narrowed the scope of judicial intervention in arbitral proceedings, empowered tribunals to grant interim measures, and recognised third-party funding. These changes were intended to strengthen the efficiency and predictability of arbitration in Nigeria.

While the AMA establishes the legal architecture of arbitration, the Policy addresses the institutional environment within which arbitration operates. It focuses on issues that legislation alone cannot resolve, including judicial culture, institutional capacity, and government contracting practices. In this sense, the Policy attempts to ensure that the legislative reforms introduced by the AMA translate into consistent institutional behaviour and practical confidence in arbitration as a dispute resolution mechanism.

Institutional Signals within the Policy

One of the Policy's most commercially significant features is its acknowledgement that many arbitration proceedings involving Nigerian governmental entities are currently seated outside Nigeria. The Policy therefore encourages government bodies to designate Nigeria as the seat and venue of arbitration, with the Regional Centre for International Commercial Arbitration, Lagos (RCICAL) identified as a default appointing authority where necessary. Seat selection determines the procedural law governing arbitration and the supervisory court that will interact with the award. By signalling a preference for Nigeria as a seat, the Policy seeks to recalibrate long-standing perceptions regarding enforcement risk, judicial intervention, and institutional infrastructure.

The Policy also recognises that arbitration cannot thrive without adequate institutional support. It therefore emphasises the development and strengthening of arbitral and other ADR institutions, the modernisation of dispute resolution infrastructure, and the expansion of ADR centres. Practical measures such as electronic filing systems, judicial retraining, and the development of specialised commercial courts reflect an understanding that the efficacy of arbitration depends not only on statutory design but also on administrative efficiency and institutional competence.

Another important aspect of the Policy concerns the court–arbitration interface. Heads of Courts are encouraged to designate specialised courts or divisions to handle arbitration-related matters and develop practice directions that promote the expeditious determination of such proceedings. Courts are also encouraged to refrain from entertaining actions brought in breach of arbitration agreements and stay proceedings where disputes are contractually referable to arbitration. The Policy further recommends the award of punitive costs in appropriate cases against parties who attempt to frustrate arbitral proceedings through abusive court processes.

The Policy also expresses an aspiration that arbitration-related court proceedings should be determined within sixty days of filing and that appeals arising from such proceedings should be resolved within two hundred and seventy days. These timelines are clearly aspirational and will largely depend on institutional coordination within the judiciary and cooperation from relevant stakeholders. Nevertheless, they reflect an intention to treat arbitration-related litigation as a distinct and prioritised category within the court system rather than as ordinary commercial litigation.

Emerging Signals from Judicial Practice

Recent judicial developments suggest that some of the Policy's objectives are beginning to find expression in practice. In *Pan Ocean Oil Corporation (Nig.) Ltd v. KCA Deutag Drilling GmbH (2025) 14 NWLR 413*, the Supreme Court strongly criticised attempts to use court proceedings to delay compliance with an arbitral award and imposed punitive costs of ₦10 million. The decision represents a significant departure from the modest costs traditionally awarded in Nigerian appellate litigation and signals a growing judicial intolerance for frivolous and abusive post-award challenges.

Similarly, the Arbitration Proceedings Rules contained in the Third Schedule to the Arbitration and Mediation Act 2023 introduce a prioritisation regime for arbitration appeals. Under Rule 12, arbitration appeals must be listed for first hearing within six months after the filing of the record of appeal. Although this provision regulates the scheduling of hearings rather than the final determination of appeals, it reflects a deliberate effort to ensure that arbitration-related appeals receive priority treatment within the appellate system.

These developments suggest that arbitration in Nigeria is increasingly supported not only by legislative reform but also by emerging judicial practice.

Implications for Investors and Commercial Parties

Beyond its institutional significance, the National Arbitration Policy also performs an important signalling function for investors and commercial counterparties assessing Nigeria's dispute resolution environment. For many investors, the credibility of arbitration clauses depends not only on legal doctrine but also on the reliability of enforcement and the predictability of judicial supervision in a chosen jurisdiction.

The Policy directly engages with these concerns by encouraging the adoption of arbitration in government-related contracts and by promoting Nigeria as a viable seat for arbitration. When considered alongside the reforms introduced by the Arbitration and Mediation Act 2023 and recent judicial developments, the Policy contributes to a broader narrative of arbitration-friendly reform within Nigeria's dispute resolution system.

Nevertheless, the Policy remains largely aspirational, and its effectiveness will depend on sustained implementation across institutions and jurisdictions. Capacity constraints, uneven familiarity with arbitration among stakeholders, and legacy litigation practices remain practical challenges. For this reason, the Policy should be viewed not as a guarantee of outcomes but as an indication of regulatory direction.

Conclusion

The National Policy on Arbitration and ADR, 2024 represents an important step in Nigeria's continuing effort to strengthen its arbitration ecosystem. When read together with the Arbitration and Mediation Act 2023, it reflects a broader strategy aimed at aligning statutory reform, institutional practice, and judicial behaviour with the needs of modern commercial dispute resolution.

While the Policy does not create new enforceable rights, it reinforces key principles already embedded in the statutory framework, including judicial restraint, procedural efficiency, and respect for party autonomy. Its emphasis on institutional capacity, government contracting practices, and judicial support for arbitration addresses issues that legislation alone cannot resolve.

For commercial parties, arbitrators, and counsel operating in Nigeria, the Policy signals a jurisdiction that is increasingly committed to ensuring that arbitration functions as an effective and credible alternative to litigation.

Contributed by Michael Ugah, FCI Arb.



CICC Webinar Highlights (January – March 2026)

When Silence Becomes Risky: Understanding Disclosure Duties and Consequences of Failing the Candour Test

January 2026

The Corporate and In-House Counsel Committee (CICC) of the Chartered Institute of Arbitrators (CIArb), Nigeria Branch, commenced its 2026 webinar series with a thought-provoking session on disclosure in arbitration. The webinar brought together a distinguished panel of practitioners, academics, institutional leaders, and in-house counsel to examine evolving standards of impartiality, independence, and transparency in arbitral proceedings.

The session was coordinated by Dr. Adenike Esan, FCI Arb, and moderated by Mrs. Oluwakemi Olafuyi, whose cross-border expertise provided a balanced and engaging framework for the discussion. The panel featured Prof. Bankole Sodipo, SAN, Mr Nathan Searle, Mr John Aga and FCS Jacqueline Waihenya, C.Arb, FCI Arb.

A central theme that emerged was the concept of “candour” in arbitration practice. Although not expressly referenced in most arbitration statutes, including Nigeria’s Arbitration and Mediation Act 2023, its substance is firmly embedded in the obligation of arbitrators to disclose any circumstances that may give rise to justifiable doubts as to their impartiality or independence. This obligation is assessed through the objective “reasonable third-party” test—whether an informed observer would perceive a risk of bias.

The panel emphasised that disclosure is a continuing duty, not a one-off requirement at the point of appointment. Arbitrators are expected to disclose both existing and subsequently arising circumstances which may give rise to perceived bias throughout the proceedings. Failure to do so may expose arbitral awards to challenge or annulment.

From an international perspective, developments such as increased use of social media, greater professional interconnectedness, and the phenomenon of “double-hatting” have expanded the range of relationships that may be relevant to disclosure. These developments have, in turn, heightened scrutiny of arbitrators and reinforced the need for transparency in both domestic and cross-border arbitrations.

The institutional perspective highlighted the important, though necessarily limited, role of arbitral institutions and appointing authorities. While institutions often implement structured processes to elicit disclosures and assess potential conflicts—frequently with reference to instruments such as the IBA Guidelines on Conflicts of Interest—ultimate responsibility for disclosure rests with the arbitrator.

From a corporate standpoint, the panel observed that disclosure failures may have significant financial and reputational consequences. The setting aside of an arbitral award can lead to increased liabilities, delays, and diminished investor confidence. In-house counsel were therefore encouraged to adopt a proactive approach to arbitrator due diligence—complementing formal disclosures with independent verification.

In discussing the legal threshold for challenges, the panel clarified that proof of actual bias is not required. Rather, the applicable standard is whether there exists a reasonable apprehension or appearance of bias. This reinforces the importance of erring on the side of caution by disclosure.

The discussion also examined the role of soft law instruments, particularly the IBA Guidelines, noting that while not binding under Nigerian law, they remain highly persuasive and are frequently used as practical benchmarks.

The session concluded with a clear consensus: transparency remains the cornerstone of arbitral legitimacy, and all stakeholders—arbitrators, institutions, and counsel—must actively uphold disclosure standards to sustain confidence in the arbitral process.

Mediation as a Strategic Tool for In-House Counsel: Managing Disputes, Stakeholders and Regulation

February 2026

The Corporate and In-House Counsel Committee (CICC) of the Chartered Institute of Arbitrators (CIArb), Nigeria Branch, continued its 2026 webinar series with a highly practical and forward-looking session on the strategic role of mediation in corporate dispute resolution. The webinar brought together experienced practitioners and industry leaders to examine how in-house counsel can effectively deploy mediation as a tool for managing disputes, stakeholder interests, and regulatory considerations.

The session was introduced by Ms. Irelioluwa Banjo, who welcomed participants from across jurisdictions and set the tone for a discussion focused on the increasing relevance of mediation within modern dispute resolution frameworks. The panel featured Mr. Adeyemi Akisanya, FCI Arb, Mrs. Achere Cole, and Mr. Godwin Omoaka, SAN, with moderation by Mr. Samuel Ofosu Assamoah.

A central theme of the discussion was the need to institutionalise mediation within corporate legal strategy, rather than treating it as an *ad hoc* or secondary option. The panel emphasised that mediation delivers optimal value when embedded within well-drafted, multi-tier dispute resolution clauses that clearly define negotiation, mediation, and arbitration stages, along with applicable timelines and procedural triggers. Poorly drafted clauses—particularly those framed in voluntary or ambiguous terms—were identified as a recurring weakness that undermines the effectiveness of mediation.

The importance of internal corporate frameworks was also highlighted. In-house legal teams were encouraged to develop structured mediation protocols, including defined authority levels for settlement decisions, as well as processes for tracking and reporting mediation outcomes. Such reporting mechanisms were noted to be critical in demonstrating value to boards and aligning dispute resolution practices with broader corporate governance objectives.

The discussion further addressed persistent misconceptions surrounding mediation, particularly at the board and senior management levels. Contrary to the perception that mediation signals weakness or lacks binding force, the panel clarified that mediation offers significant advantages, including cost efficiency, confidentiality, speed, and the preservation of commercial relationships. Institutional mediation, in particular, was identified as a key mechanism for enhancing legitimacy, neutrality, and enforceability, with settlement agreements capable of being converted into consent judgments or arbitral awards with equivalent legal effect.

From a procedural standpoint, the panel examined the appropriate timing and triggers for mediation. It was noted that mediation can be introduced at various stages of a dispute, including during case management conferences or after the close of pleadings, depending on the nature and urgency of the matter. However, it was equally recognised that not all disputes are suitable for mediation, particularly where urgent interim relief or high-stakes issues require immediate judicial intervention.

The role of arbitral and mediation institutions in de-risking the process was also explored. Institutions such as the Lagos Multi-Door Courthouse (LMDC) were highlighted for providing structured processes, transparent mediator appointment mechanisms, and ethical safeguards that enhance confidence in mediation. These institutional frameworks, coupled with international instruments such as the Singapore Convention on Mediation, were noted to strengthen the enforceability of mediated settlements, particularly in cross-border contexts.

The panel also underscored the critical importance of precision in drafting dispute resolution clauses. Effective clauses should incorporate mandatory mediation steps, clear timelines, defined triggers, and robust appointment mechanisms. Good faith obligations and consequences for non-participation were

recommended as tools for ensuring that mediation is not treated as a mere procedural formality but as a genuine opportunity for resolution.

The session concluded with a strong emphasis on capacity building and the need for a cultural shift towards “mediation-first” approaches in corporate practice. Panelists encouraged in-house counsel to undertake mediation advocacy training, deepen their understanding of mediation processes, and actively promote the use of mediation within their organisations. The increasing recognition of mediation by both domestic and international institutions was identified as a clear indication of its growing importance in contemporary dispute resolution.

Overall, the webinar provided a comprehensive and practical roadmap for integrating mediation into corporate legal strategy, highlighting its potential to deliver efficient, cost-effective, and relationship-preserving outcomes when properly deployed.

Giving Strategic Insight, Gaining Trust: Women Shaping the Future of Arbitration

March 2026

The Corporate and In-House Counsel Committee (CICC) of the Chartered Institute of Arbitrators (CI Arb), Nigeria Branch, marked International Women's Day 2026 with a compelling webinar themed “Giving Strategic Insight, Gaining Trust: Women Shaping the Future of Arbitration.” The session brought together leading practitioners and institutional voices to examine the evolving role of women in shaping arbitral practice through leadership, ethical standards, mentorship, and institutional reform.

The webinar was coordinated by Mrs. Oyinlola Adebayo, FCIS, FCI Arb, and moderated by Mr. Kayode-Nissi Joshua. The panel featured distinguished speakers including Dr. Fatima Kere Ahmed, Mrs. Chimdimma Onyedebelu, Ms. Amanda Lee, and Ms. Edith Twinamatsiko, each offering unique perspectives from institutional, international, and advocacy standpoints.

A central theme of the discussion was the increasing influence of women not merely as participants in arbitration, but as drivers of structural and cultural transformation within the field. The panel highlighted the impact of the Equal Representation in Arbitration (ERA) Pledge, which has encouraged institutions and stakeholders to track and improve gender representation in arbitral appointments. The Pledge was described as a pivotal instrument in advancing transparency and accountability, while also promoting long-term parity.

The discussion underscored the importance of leadership through initiative and visibility. It was noted that building a credible profile in arbitration often requires deliberate effort, particularly in overcoming systemic biases within the profession. Practical strategies such as active participation in professional bodies, consistent delivery of high-quality work, and strategic use of platforms for visibility were identified as key enablers of professional growth. The role of mentorship and, more importantly, sponsorship—where senior practitioners actively recommend and create opportunities for emerging talent—was emphasised as critical to sustaining progress.

Institutional trust and legitimacy also featured prominently in the session. It was observed that effective arbitration systems must be responsive to user needs, jurisdictional nuances, and evolving areas of dispute. Maintaining diverse panels of arbitrators, both in terms of gender and specialised expertise, was identified as essential to building confidence in arbitral processes. Transparency in case management, fee structures, and arbitrator appointment mechanisms was further highlighted as a cornerstone of institutional credibility.

The panel also addressed persistent structural challenges affecting women in arbitration, particularly the phenomenon often described as the “pipeline leak,” where qualified female practitioners are underrepresented at senior levels. Contributing factors identified included limited access to informal professional networks, caregiving responsibilities, lack of visible role models, and entrenched appointment

practices favouring established arbitrators. Proposed solutions included increased transparency through data reporting, flexible working structures such as virtual hearings, targeted re-entry support, and deliberate efforts to promote intersectional visibility.

From a public sector and regulatory perspective, the importance of strategic engagement in dispute resolution was emphasised. In-house and government counsel were encouraged to align dispute resolution strategies with broader institutional objectives, including reputation management, policy considerations, and risk mitigation. The selection of suitably experienced and diverse tribunals, alongside disciplined procedural strategies, was identified as key to achieving effective outcomes.

The discussion further highlighted the role of technology and innovation in expanding access and participation within arbitration. Women practitioners were recognised for their contributions to advancing digital processes, virtual hearings, and modern case management systems across jurisdictions.

A recurring message throughout the session was the importance of "strategic giving"—the deliberate investment of time, knowledge, and opportunities to support the next generation of practitioners. This approach was described as a force multiplier capable of accelerating both individual careers and systemic progress within the profession.

The session concluded with a forward-looking perspective on the future of arbitration, emphasising that the continued growth of the field depends on inclusivity, collaboration, and sustained commitment to reform. The contributions of women were recognised not as supplementary, but as central to shaping a more transparent, equitable, and effective arbitration landscape.

Overall, the webinar provided a powerful and timely reflection on the evolving dynamics of arbitration practice and reinforced the critical role of diversity, leadership, and institutional integrity in building trust in dispute resolution systems.



Tips for In-House Counsel

Practical Lessons from Q1 2026 CICC Webinars

The first quarter sessions of the CICC webinar series highlighted a number of practical considerations for in-house counsel navigating modern dispute resolution. A recurring theme across the discussions was the need to approach dispute resolution not as a reactive function, but as a deliberate and strategic component of corporate governance, giving more meaning to its use.

One key lesson is the importance of getting dispute resolution clauses right at the contracting stage. Poorly drafted clauses—particularly those that treat mediation as optional or fail to define timelines and appointment mechanisms—often undermine the effectiveness of alternative dispute resolution processes. In-house counsel should ensure that multi-tier clauses are clearly structured, mandatory where appropriate, and aligned with institutional frameworks to avoid procedural uncertainty when disputes arise.

The sessions also reinforced the need for proactive due diligence in the selection of arbitrators. Disclosure obligations remain central to the integrity of arbitration, and the risk of challenge often lies not in over-disclosure, but in non-disclosure. In-house counsel should therefore go beyond formal disclosures and undertake independent assessments of potential arbitrators, including their professional relationships, prior appointments, and public profiles, particularly in an era where digital footprints are increasingly relevant and accessible.

Another important takeaway is the strategic use of mediation. Mediation should not be treated as a last resort, but as a tool to be deployed at appropriate stages of a dispute, depending on its nature and commercial context. When properly utilised, mediation can deliver significant cost savings, preserve business relationships, and provide commercially flexible outcomes. However, its efficacy depends on internal readiness, including clear settlement authority, structured protocols, and an informed understanding of when mediation is suitable.

The discussions further highlighted the importance of aligning dispute resolution strategy with broader business objectives. For in-house counsel, this requires moving beyond purely legal considerations to account for reputational risk, regulatory implications, and financial exposure. Dispute outcomes should be communicated in a manner that reflects their impact on the organisation's balance sheet and strategic positioning.

Finally, the sessions underscored the value of investing in capacity building and inclusive leadership within dispute resolution. The increasing recognition of diversity, transparency, and institutional accountability reflects a broader shift in the arbitration landscape. In-house counsel should remain engaged with these developments, not only as users of dispute resolution mechanisms, but as active contributors to their evolution.

Taken together, these insights reinforce a central proposition: effective dispute resolution begins long before a dispute arises and depends on the quality of decisions made at the contracting, appointment, and strategy stages.

Contributed by Michael Ugah, FCI Arb. (mcugah@gmail.com)

Events & Announcements

The Committee's programme of activities for the second quarter of 2026 reflects its continued commitment to knowledge sharing, professional engagement, and thought leadership in arbitration and ADR.

April 2026¹ April – Monthly Webinar

15 April – Inside Counsel Interview

16 April – Abuja In-House Counsel Breakfast (Post-Easter)

May 2026

6 May – Monthly Webinar

20 May – Inside Counsel Interview

27 May – Oxford-Style Debate (Hybrid)

June 2026

3 June – Monthly Webinar

17 June – Inside Counsel Interview

25 June – In-House Counsel Roundtable on Arbitration & ADR

30 June – Publication of Q2 CICC Arbitration & ADR Quarterly

Contribute to the Next Issue

The Corporate & In-House Counsel Committee (CICC) of the Chartered Institute of Arbitrators (UK), Nigeria Branch invites contributions for upcoming editions of its Quarterly Newsletter.

The Newsletter serves as a platform for sharing practical insights, thought leadership, and developments in arbitration and alternative dispute resolution, particularly as they affect corporate entities and in-house counsel.

Scope of Contributions

We welcome well-researched, practice-oriented articles on topics including:

- Developments in arbitration and ADR practice
- Enforcement and set-aside jurisprudence
- Contract drafting and dispute prevention strategies
- Corporate dispute management and governance

- Institutional and regulatory developments
- Comparative perspectives on arbitration trends
- Emerging issues in dispute resolution

Submissions should be analytical, practical, and relevant to corporate and commercial stakeholders.

- Submission Guidelines
- Length: 800–1,500 words
- Style: Clear, structured, and practice-focused
- References: Concise and limited
- Tone: Professional and objective
- Author details: Include name, designation, organisation (where applicable), and contact information

All submissions must be original, unpublished, and not under consideration elsewhere.

Review Process

All articles will be subject to editorial review. The Editorial Team reserves the right to accept, request revisions, or decline submissions at its discretion.

Submission Details

Articles should be submitted in Word format to: corporatecounsel@ciarbnigeria.org (Copied to: mcugah@gmail.com and am.ayanru@gmail.com)

Subject Line: Newsletter Article Submission

Submission deadlines for each issue will be communicated in advance.

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We encourage members, corporate counsel, academics, and practitioners to contribute and support the continued development of arbitration and ADR practice in Nigeria.

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