

ABOUT THE CHARTERED INSTITUTE OF ARBITRATORS

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THE ACHIEVEMENTS OF THE NIGERIAN BRANCH OVER

THE PAST 10 YEARS

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As the Nigerian Branch of the Chartered Institute of Arbitrators celebrates its 10th anniversary with a series of events during the week commencing April 21, 2008 this would seem to be an appropriate time to remind people of what the Institute is, and of the achievements of the Nigerian Branch over the past ten years.

The Chartered Institute of Arbitrators (CIArb) is a London based, international, membership organisation for arbitrators.

It was founded in 1915, starting life as the Institute of Arbitrators. Its aims were the promotion and development of the study and practice of arbitration as a viable method of resolving disputes between transacting parties. It was incorporated in 1924 and granted a Royal Charter in 1979. It was granted charitable status in the United Kingdom in 1990. The Royal Charter was amended in 1999 to permit re-organisation of the Institutes' activities and to expand the mandate to include alternative methods of dispute resolution (ADR) and, since then, it has taken a greater role in relation to training and utilisation of alternative dispute resolution and mediation. Today, with more than 11,000 members across more than 100 countries, the CIArb is a centre of excellence for the global promotion, facilitation and development of all forms of dispute resolution, working in the public interest through an international network of more than 30 Branches and Chapters. Amongst these

Branches and Chapters is the Nigerian Branch and its two Chapters in Abuja and Port Harcourt.

The main focus of the CIArb relates to education and training and seeking to set assured global standards with the longer term aim of promoting confidence amongst parties who utilise arbitration and ADR by ensuring that the practitioners trained by it have the necessary skills and expertise in helping to resolve their dispute.

For arbitrators, there are three levels of members:

Associates are entitled to use the designation "ACIArb" after their names;

Members, who have demonstrated a higher professional level of knowledge in relation to arbitration, and are entitled to use the designation "MCIArb" after their names; and

Fellows, who have been assessed by the CIArb as having undergone the requisite training and having the necessary experience to serve as professional arbitrators. Fellows are entitled to use the designation "FCIArb" after their names, and after undergoing a further interview, may also attain the rank of "Chartered Arbitrators", a status introduced in 1999 and intended to act as a "gold standard" for practitioners.

The CIArb also has similar levels of recognition and members for mediators, although these have not obtained the same level of international recognition, and the Nigerian Branch has yet to start offering courses in mediation.

In addition to its educational activities, the CIArb offers bespoke schemes for consumer and commercial markets for non-judicial resolution of disputes. The CIArb also offers nominating and appointing services for ad hoc arbitration, adjudication and mediation that are often used by parties in arbitration clauses as a means of selecting a single, neutral, arbitrator.

It is widely accepted that arbitration, in the appropriate circumstances, offers significant advantages over other dispute resolution methods. All over the world, courts of law are overloaded with the demands placed on them by the citizens of those countries. This means that there is delay, usually considerable, in the resolution of the disputes submitted to them. In commercial transactions, delays in resolving any disputes arising therefrom more often than not translates to monetary loss. Court procedure tends towards the formal and technical and, as a consequence can be somewhat inflexible. This greatly reduces the ability of litigants to participate directly

in the resolution of their grievances. Judges are experts in law. So, when the dispute raises more questions of law than of anything else, the court will be the preferred forum. But not so in matters of engineering, science and technology, for example, where specialised facts may be in contention. Should such a dispute be placed before a tribunal which is knowledgeable in arbitration practice as well as technical matters, the proceedings should move faster than if the matter was in a court of law.

Further, arbitration is a consensual process. This means that parties can choose a tribunal of its liking and one in which they have confidence. The chosen arbitrator may also be required to indicate his availability to resolve the dispute in the shortest time possible. Parties can agree on expedited procedures to cut down on cost and time. The process is private and hence confidential. If you have dirty linen to wash, the public will not be there to see it. Unlike in the courts of law, you do not have to be legally represented in arbitration. If you feel competent to do it yourself, you can do so. If you wish some other professional or technical person to do it on your behalf, there is no objection to it.

Members of the CI Arb who have acquired knowledge and expertise in arbitration principles and practice can play a very beneficial role in the resolution of disputes by arbitration or other alternative methods. They make the best arbitrators, adjudicators, mediators and conciliators. They act as very effective party representatives. They also make good expert witnesses. Even in civil litigation in the courts, experience indicates that knowledge and expertise in arbitral practices is an added advantage to advocates, which often makes the difference between good representation and excellent representation.

The Nigerian Branch has grown from its humble beginnings, when we numbered about two dozen, and used to hold our meetings in borrowed premises. Today, we number more than 800 dedicated Nigerians, and have rented accommodation where we conduct our various training courses and also provide facilities and resources for arbitration and arbitral hearings. The Branch is acknowledged to be the most dynamic in the CI Arb family, growing at a rate that far outstrips all other branches. Indeed, given the confusion that was threatened (and still exists to a reduced extent) by the decision of another body to take on the name of the CI Arb and claim it as its own, the success of the Nigerian Branch is truly remarkable. Discriminating and

knowledgeable people now recognise the quality of the Branch, its programmes and of its members.

The Chartered Institute of Arbitrators (CI Arb) and its Nigerian Branch provides users with the confidence that its members have a globally recognised, assured level of training and experience. Practitioners aspire to achieve the highest attainable CI Arb qualifications and users demand that their professional advisors demonstrate a comprehensive and up-to-date knowledge of the field. In Nigeria, the Branch provides all that.

The Nigerian Branch of the CI Arb can operate across almost all business and commercial sectors. It administers systems for the resolution of business and consumer disputes, providing a cost-effective and timely alternative to the Courts. It also offers nominating and appointing services for ad-hoc arbitrations, adjudications and mediations.

For members, and where appropriate non-members, the Nigerian Branch of the CI Arb offers a range of resources. It provides tools, support, advice, networking, promotional opportunities as well as facilities for hearings, meetings and other events.