



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
2021_2 EXAMINATIONS.**

COURSE CODE: PPL517

COURSE TITLE: ALTERNATIVE DISPUTE RESOLUTION I

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (COMPULSORY) AND ANY THREE (3) OTHERS. QUESTION 1 (ONE) IS FOR 25 MARKS, OTHERS ARE 15 MARKS EACH

Question 1

Dr Jane is a medical doctor married to Engineer Utako. Recently they started having problems which has to do with the paternity of their only child. Dr Jane claims that Engineer Utako is not the father of the child and she is prepared to undergo DNA to confirm the paternity of the child. She has gone to the Lagos Multi Door Court and requested for arbitration procedure to commence. Engineer Utako does not mind using the ADR mechanism to resolve the dispute. However, he feels this issue is a very sensitive one. He is not comfortable with arbitration and has come to you for advice. Would your answer be different if the matter were to be tenancy matter?

Question 2

CN Onuselogu Ent. Ltd V Afribank (Nig) Ltd, the Court of Appeal defined Arbitration in the following terms: “An arbitration agreement is where two or more persons agree that a dispute or potential dispute between them shall be resolved and decided in a legally binding way by one or more impartial persons in a judicial manner, upon evidence put before him or them”

- (a) Discuss the case of CN Onuselogu Ent. Ltd V Afribank (Nig) Ltd in relation to Arbitration
- (b) Discuss five essential features of Arbitration.

Question 3

Jude and James are business partners and have been involved in various kinds of big contractual transactions at different times and in various sectors of the economy. James also does business with several other partners. Disputes arose between Jude and James which also affects several other business associates of James. James believes that Arbitration will not be able to resolve the disputes. Jude holds the view that Arbitration has enormous benefits for the parties to explore in resolving the dispute and furthering their business ventures. Advise the parties.

Question 4

Write notes on -

- i. The difference between negotiation tactics and negotiation method
- ii. When a competitive approach can be applied
- iii. The aims of and procedure at the Multi Door Court

Question 5

Amina and Abigail have been trading partners in the name of Aminagail ventures for several decades dealing on laces fabrics and gold. Ahmed, Amina's son, a 16 year old recently became interested in the business. With time started selling male shoes in the company which Abigail initially objected to. With time Amina was no longer regular at the company and left most of the decisions to Ahmed and Abigail to take. Abigail and Ahmed entered into an agreement with an arbitration clause for the importation and sale of a particular pattern of female shoes. Incidentally, they incurred so much losses as so many marketers imported same shoes forcing prices to drop and the duo could not repay the loan. Abigail took 3 million naira from Aminagail ventures to pay off the loan. Amina got to know and has asked Abigail to refund the money alleging fraudulent practice. Abigail refused arguing that the business was done on behalf of Aminagail ventures and what is more that Ahmed was involved in the shoe business. In Amina's opinion, Ahmed was never a part of the business and as such the agreement cannot be valid or binding on the son.

(a) Advise the parties

(b) Would your opinion be different if the arbitration agreement had stipulated a given period within which to arbitrate?

Question 6

Discuss conciliation as a means of settling disputes