The Development of Alternative Dispute Resolution 'ADR' in the Settlement of Disputes

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Abstract

It is an undisputable fact that human beings are born with disputes. At times from the womb of the mother and has to be resolved through the means of mediation and conciliation by the Doctors through the appropriate medical approaches. In some cases by the Traditional Medical Practitioners; which are akin to the conventional medical practice in the alternative. Alternative Dispute Resolution (ADR) encapsulates: Mediation, Conciliation Arbitration and Construction Industry. Alternative Dispute Resolution (ADR) plays pivotal roles in domestic, national and international dispute settlements. In view of its potentialities and pervasiveness, various countries embraced and developed their laws within the permissiveness of their national laws and give Alternative Dispute Resolution (ADR) a place of pride at the early stages of evolution from the United States of America and United Kingdom and other countries followed all over the world to enable them resolve disputes timeously with less expenses and time savings; unlike the conventional courts. ADR practice was in existence in traditional forms from time immemorial. There were improvements and formalized procedures from time to time. Following the early developments, ADR became national and international as it continues to improve its practices through various legislations, especially in the area of Arbitration, which is well developed, including 'Multi-Door Court Houses' to make ADR practices simpler and to the reach of all those that needs the services with less cost and time saving.

Keywords: Alternative Dispute Resolution, Dispute Resolution, Civil Justice Reform

1. Introduction

Disputes are inevitable in human lives and endeavours on daily basis.[1] It could be between or among people. It could be domestic,

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commercial, territorial or international among others. Similarly, the 'Biblical Version' gave insight to the conflict which by the disobedience of man to God in the Garden of Eden and God had to curse man[2], for the foregoing reasons amongst others; Disputes and Conflicts are part and parcel of human life.

They must be resolved in such a manner as to achieve peace, stability, harmony and progress in all aspects of human endeavours. The basic means of dispute resolution is through amicable settlement failure for which, the intervention of a third party ensures. A third party is either approached by the disputing parties or he intervenes in accordance with ones wish to help resolve the dispute. With the passage of time, this gave rise to litigation system, court or Alternative Dispute Resolution, (ADR).

Alternative Dispute Resolution Mechanisms are procedures outside the traditional process of litigation for the determination of legal rights[3]. It is also a range of procedure that serve as alternatives to litigation through the courts for the resolution of disputes, generally involving the intersection and assistance of a neutral and impartial third party interventions[4] Alternative Dispute Resolution (ADR) is a category comprising various techniques which enable the parties to resolve their differences out of the highly formalized Judicial proceedings[5].

As a general term, Alternative Dispute Resolution simply refers to all means, methods or techniques of resolving disputes outside the usual court rooms litigation. It is a form of initiated settlement which is informal, confidential and without bias ADR is an increasingly, popular set of legal instruments to resolve disputes because of its cost

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1 *Nwankpa v Nwogu* (2006) 12 NWLR (part 964) 251, 279-280, paras G-B

2 Holy Bible, Old Testament, Genesis 3:17-19.

3 O Agbakoba, 'Need for National Arbitration Institution in Nigeria' in CD Amucheazi and CA Obguabor (eds), Thematic Issues in Nigerian Arbitration Law and Practice' (Varsity Press Ltd 2008) 1-8.

4 PO Idornigie, 'Alternative Dispute Resolution Mechanisms' in AF Afolayan and PC Okorie (eds), Modern Civil Procedure Law (Dee-Sage Nigeria Ltd 2007) 503-585, 563.

5 Zeiko et al(eds), Economic and Social Development: International Scientific Conference-Economic and Social Development, The Legal Challenge of Modern World (MCGill University 2016-2017), '

and time effectiveness, flexibility amongst others. There is no consensus definition of ADR, Nevertheless, there may be identified several features that links all ADR techniques together and may serve as a kind of complex definition of the concept of ADR which may include; (a) the existence of dispute between two or more parties, (b) related to civil legal rights or duties, (c) which might be resolved in litigation before the court, (d) but based on the choice of the parties is resolved through a different process (e) which is essentially confidential and (f) involves independent individuals who bring certain level of objectives to the process.[6]However, Black's Law Dictionary defined Alternative Dispute Resolution as:[7]

> Procedure for settling disputes by means other than litigation e.g. arbitration, mediation, mini-trials such procedures which are usually less costly and more expeditious are increasingly being used in commercial and labour disputes divorce action on resolving motor -vehicle and medical malpractices, tort claims and in other disputes that would likely otherwise involve court litigation.

ADR techniques are diverse and many, varying among different jurisdictions[8] the use of ADR in resolving disputes have various advantages which include ability to give each party a sense of justice and a feeling of being right at the end of the issue. This view is shared by some learned authors who maintain the view that while in any dispute, one party may be right and the other wrong, there could be some elements of right on each side or one party may be morally right and the other legally right. It could also be a question of equitable and legal right. To these entire end, ADR proposes, a win-win situation to all parties in the dispute.

Some of the expressions of opinions on ADR are considered below for ease of understanding and better exposition on the concept. According to Orojo:[9]

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6 *ibid.*

7 BA Gamer, Black's Law Dictionary (6th edn, West Publishing co 1990) 78.

8 KR Petrov and J Vackova, 'Civilni Process: Rheseni Ncsshazi Rozhodcem s Mezinarodnim Prukem' 243.

9 O Orojo, 'Arbitration as a Means of Dispute Resolution' (paper presented at a seminar) Arbitration Lagos 1, 2015).

> The term Alternative Dispute Resolution is used generally to describe the method and procedures used in resolving disputes either as alternatives to: traditional dispute resolution mechanism of the court or in some cases - supplementary to such-mechanism.

Justice Dyson in the case of Halsey v Milton Keynes General Trust[10] while quoting from the glossary of the Civil Procedure Rules, defined ADR as: 'A collective description of methods of resolving disputes otherwise than the normal trial process'. It also addressed when a court should impose a court sanction against a successful litigant for refusing to participate in Alternative Dispute Resolution (ADR). Nchi in his book, described ADR as a procedure for settling dispute other than by litigation, e.g. by Arbitration, Mediation[11]. It is the set of mechanisms society utilizes to resolve dispute without resorting to costly adversarial litigation. In yet another breath ADR was explained to include: [12]

> Dispute resolution processes and techniques that act as a means for disagreeing parties to come to an agreement short of litigation. It is a collective term for the ways that parties can settle disputes 'with or without' the help of a third party.

In the Nigeria context, ADR is seen as a quick, relatively non-adversarial and objective process for resolving disputes when compared to legal proceedings. In addition, while resolving a dispute; using ADR in Nigeria, emphasis is placed on sustaining the mutual relationship which exists between the disputing parties.[13]

There are no immutable rules of procedure with respect to traditional resolution of disputes. In the main, the procedure adopted depends on the facts and circumstances of each case[14]. The Holy Qur'an provides for and gives room for arbitration and conciliation. It is known as 'Sulhu,' which has been practiced from time immemorial, as a divine

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[10] Halsey v Milton Keynes General Trust (2004) WLR 3002.

[11] SI Nchi, Law Dictionary (Green World Publishing Company Limited 2004) 42.

[12] Wikipedia, 'Alternative Dispute Resolution' <http:www.wikipedia.org/wiki/alternative-disputeresolution> accessed 27th July, 2014.

[13] <https://doi.org/10.5539/ijjbn.vl2n8p261> accessed 24th August 2020

[14] *Dang Pam* v *Sale Dang Gowon* [2000] 2NWLR (Pt 44) 324.

Law enforced on all believers of Islam. The Holy Qur'an to this effect states that:

> But nay, by thy lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of which thou decide and submit with full submission[15].

The Holy Qur'an further states that: 'If two parties, amongst them believers fall into quarrel, make ye peace and reconciliation between you two contending brothers and fear Allah.'[16] Encouragement of the use of ADR can also be seen in the Holy Christian Bible from the words of Christ of Nazareth when he said; 'Come to terms quickly with your enemy before it is too late and he drags you into court and you are thrown into a debt for you will stay there until you have paid the last penny.[17]

Dispute is a disagreement between two or more parties that would sometimes lead to one or more of the parties to threaten or to file a lawsuit against the other. ADR may also be stated to be the range of procedures that serves as alternatives to litigation through the courts for the resolution of disputes generally involving the intervention and assistance of a neutral and impartial third party[18]. These mechanisms, and procedures are multifarious.

ADR arose largely because the litigation process is expensive in the long run and prolonged as a result of judicial technicalities embedded in the method of dispute resolution[19] it involves compromise by the parties, in the event of any dispute arising between or amongst themselves. It should be noted that ADR techniques and processes do not supplant the adversarial adjudication of disputes in court. They merely and most importantly act as supplements to it. They strictly serve as alternative to dispute resolution; hence could precede or succeed the actual litigation of dispute in courts.

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15 Qur'an 4:65.
16 Qur'an 49:10.
17 The Living Bible, Matthew 5: 25-26.
18 JAN Elukpo, 'Arbitration in Nigeria' Bar and Publishers Limited.
19 ibid p57

ADR is not a foreign or imported concept, it has always existed or reflected in our indigenous societies for instance, the traditional 'Nupe' culture and setting, many families make efforts to have their disputes resolved through the intervention of council of Elders; the heads of the family or even individual family friends before the final adjudication by the village head when the early efforts might have failed. Hence, in the words of Von Hering; 'there is an inevitable conflict between the social interests of mankind and the self- interest of each individual[20].

2. The Evolution and Development of ADR

The infallible truth of life is the potential existence of conflict, disputes, disagreements and its understanding of all courts in our society. These disputes have been in existence in our societies through all the ages and epoch from time immemorial. They can also undoubtedly be; traceable to the Bible. The biblical account of man's disobedience to God in the Garden of Eden; whereupon God proceeded to lay a curse on man 'cursed is the ground for your sake, in toil you shall eat of all the days of your life till you return to the ground.[21]

The scriptural account of man's fallible status underlines the basis of disputes and conflicting interests which man witnesses in his struggle to survive in the society. Accordingly, if these disputes are not properly managed the society may disintegrate. The society has come to see disputes as an everyday occurrence and every society has developed some mechanisms for its resolution and these have undergone constant transformation throughout the history of man.

The need for order, stability and harmonious living in the society informs the essence of law. In other words, law can be seen as the by-product of man's search for order and peace in his society. Various scholars and jurist have attempted to give a viable definition of the concept of law. It should however be noted that there is no generally accepted definition of the concept of law. Also, there are different schools of thought, on law. They define law from their perspectives of

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[20] DV Oba, 'Dispute Resolution in Traditional African Society: Lessons for Modern judicial system.' Paper presented at lst Biennial Conference of Association of Professional Negotiators and Mediators (APNM). 24^{lh} - 26th April, 2008.

[21] Holy Bible, 'Old Testament' Genesis Chapter 3, Verses, 17 and 19.

what they perceive law to be. However, few notable scholars' definition of law include:

According to Roscoe Pound; 'Law is an ordering of conduct so as to make the goods of existence and the means of satisfying claims go around as far as possible with least friction and waste.'[22] Another Leading philosopher, Thomas Aquinas posited that:

> Law is rule and measure of act whereby man is induced to act or is restrained from acting. Law is nothing else than a rational ordering of things which concern the common good, promulgated by whosoever is charged with care of community.[23]

Based on the foregoing, it is clear that law has the social function of maintaining public order human relation, historically though law evolved as an alternative to private feud vengeance and a supplement in the informal social processes by which men deal with disputes. Law provides a rational and conducive settlement of disputes, which is subject to public scrutiny[24]. Law simply aims at providing remedies for grievance, threatened or actual[25]. This is why our legal system provides the machinery for resolving conflicts among the citizens, in the terms of sanctions and rewards.

The system of adjudication under the English Law is adversarial and the preoccupation of the judge is to ensure that the litigants adhere to rules. This adversarial system is right-based in that proceedings and judgments emphasizes or depends on the relative rights of the parties involved. It is therefore in consequences of the reception of the English judicial system into Nigeria that the traditional modes of settlement of disputes which fostered peaceful co-existence were largely jettisoned in preference for litigation. This legacy bequeathed to Nigeria by their colonial masters is grievance oriented and

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[22] LIyoyd and Freeman: Introduction to Jurisprudence, (5th Edn, Stevens and Sons Ltd 1935)

[23] USF Nnabue, 'Law and Legal Process' (Revised Edn, *Bon International Book Center* 2004) 21

[24] JH Farrar and AM Doughdale, 'Introduction to Legal Method' (*3rd Edn, Sweets and Maxwell* 1990) 6.

[25] R S Summer and C G Howard, 'Law- its Nature, Functions and Limits. (2nd Edn, *Prentice Hall* (1992) 23.

encouraged increased volumes of claims, many of which have not been previously recognized.[26]

Courts began to witness an array of cases of all sorts and as the adage in the Nigeria jurisprudence, 'where there is a right there is a remedy,'[27] thus in the case of *Bello* v *Government of Oyo* State,[28] Oputa JSC stressing the grievance-oriented nature of our legal system as exemplified by the Latin maxim, *Ubi Jus Ibi Remedium*, stated that:

> The maxim *Ubi Jus Ibi Remedium* is so fundamental to the administration of justice that where there is no remedy provided either by common law or by statute, the courts have been urged to create one. The law is equal dispenser of justice and leaves none without remedy for his right. It is thus basic and elementary principle of common law that whenever there is a wrong, legal wrong or injury that is, there ought to be a remedy to redress that wrongs….

This position results in the technicalities and rigidity inherent in our legal process, especially in affording these rights and remedies to litigants. As much as the courts were and are still the main and primary forum for resolving disputes, it would not amount to any exaggeration of fact to state that the courts have been by nature bedevilled with procedural irregularities. In that state, even as they may claim to be working in the interest of justice, the courts cannot cope with the enormous disputes emanating from the improved domestic and international commercial as well as socio-political relationship and which the parties cannot expeditiously resolve without submitting to some form of compromise settlement.

Alternative Dispute Resolution (ADR) method has since been appreciated for possessing the needed compromise. A compromise in this respect entails the relaxation of our strict legal rules or a complete abandonment of same in order to achieve a quicker resolution of dispute. This very fact explains its spread into the global community, starting from the United States. Hence it is necessary to key into the development of Alternative Dispute Resolution in the United States of

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[26] USF Nnabue, 'Promoting Conflicting Resolution Through Non-Adjudicatory Processes' [1997] (I) (57) A*BSU Law Journal* 19

[27] SI Nchi, 'Nigerian Law Dictionary' (Greenworl Company Limited,2000)532.

[28] *Bello* v *Government of Oyo* State (1986)5 NWLR Pt.528.

America (USA), and the United Kingdom (UK), as the Prime movers of Alternative Dispute Resolution (ADR).

3. The Development of ADR in the United States of America

Abraham Lincoln is reputed to have said:

> Discourage Litigation. Persuade your neighbours to compromise whenever you can. Point out to them how the normal winner is often the loser - in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.[29].

This quote largely captures the predominant drawbacks inherent in litigation and it is arguable that a shift from litigation will play a major role in enhancing the attainment of peace and justice in any society. It will equally pave the way for more conducive commercial activities notionally, territorially and internationally.

The history is chequered when it comes to the chronology of ADR in America. Long before the white men ever arrived in-what is now the United States of America, early Native American tribes used arbitration as a spectrum of ADR in settling disputes within themselves and other tribes. It is also on record that George Washington, 'US, first President.' Had an arbitration clause in his testamentary disposition.[30]

Although, widely known for its propensity for litigation, the USA has one of the most advanced and successful systems for settlement of disputes outside of the formal legal system through Mediation and Arbitration. The introduction of new laws protecting individual, rights as well as less tolerance for discrimination and injustice led more people to file lawsuit in order to settle conflicts.

An overload of minor criminal and civil disputes was clogging the legal and justice systems, disputes that, would, have hitherto been resolved by families, communities or even by local civil interventions.

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[29] Abraham Lincoln, 'M v B (2009) Alternative Dispute Resolution - An Essential Competency for Lawyers' (New York' Oxford University Press) 152.

[30] Lord Mustill, 'Arbitration: History and Background' (1989) 6(2) *Journal of International Arbitration* 43

For example, the Civil Rights Act of 1964 prohibited discrimination in employment or public accommodation on the basis of sex, race or national origin.'

In the United States commercial arbitration, existed in the early Dutch and British colonial period in New York City. Pilgrim colonialist, convinced that lawyers threatened Christian harmony scrupulously avoided lawyers and courts preferring to use their own mediation process to deal with! community conflicts. When disagreements occurred, a body of male members of the community would hear claims, determine fault, assess damages and ensure that the parties reconciled with one another for much of the colonial period, these informal arbitrations were the norm.[31]

However, not quite long after independence and the creation of a new government, ADR found its place in a number of applications albeit sporadically for instance, the US Patent Act 1890 was the 1st statute wherein congress expressly provide for an arbitration system of competing claims through the creation of an adjudicative board. While these early attempts at ADR were essential to its development in the United States, ADR did not receive formal recognition until Later in the 19th century,[32] the Congress consolidated on initiatives begun years earlier in Massachusetts and New York by creating authorized mediation for collective bargaining on disputes, examples of which are Board of Mediation and Conciliation for Railway Labour and Federal Mediation and Conciliation Services (FMCS) still operating till today.[33]

They were formed to carry out negotiations regarding employment. At this stage of ADR development in the United States of America, it was perceived of less as an Alternative to Litigation and more as a tool to avoid unrest, strikes and the resultant economic disruption with its attendant consequences.

In the 20th century, States began to take concerted interest in systematic ADR as litigation alternative. In the 1920s, over a dozen

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[31] ibid

[33] M McMarnus & B. Silverstein, 'Brief History of Alternative Dispute Resolution in the United States' <https//cadmusjoumal.crg> accessed September 2nJ 2020.

states passed modem Arbitration Laws, and even Congress enacted a Federal Cognate known as the Federal Arbitration Act 1925. The key provision of the Federal Act includes making agreement to arbitrate future disputes legally valid, enforceable and revocable only as any contract could be revoked, authorizing court to enforce awards, appointment of arbitrators and expediting arbitration where one party fails to move forward with agreement to arbitrate. All of the laws made significantly improved the nature of arbitration by:

i. Making agreement to arbitrate future legally valid and enforceable and revocable only as any contract could be revoked;

ii. Closing the courts to parties to an arbitration agreement by requiring them to comply with their agreement;

iii. Authorizing courts to enforce arbitration awards; and

iv. Authorizing courts to appoint arbitrators and otherwise, expedite arbitration when one party has failed to move forward with the agreement to arbitrate.[34]

While all of these were positive developments, the most innovative was the expressed authorization for courts to enforce ADR remedies. With the enactment of statutory ADR system, lawyers and entrepreneurs realized the importance of providing non-government, voice; to ADR - related policy making. The above circumstances served as impetus for lawyers and entrepreneurs to create the American Arbitration Association, (AAA) which was to provide guidance to arbitrators and parties as to ADR methods and other time-tested procedures and this was to be achieved by development and promulgation of rules on proper method of arbitration.

The reports of the 1965 presidential committee on law enforcement and administration of justice documented the country's overburdened judicial system. This augmented the consensus on the need for experimentation and reform both in and outside the court system. Independent community dispute resolution centres with various

[34] *Ibid*

sponsorship and funding sources began to spring into existence. In 1968, the American Arbitration Association and the Federal Law Enforcement Assistance Administration collaborated to create the National Centre for Dispute Settlement in Washington DC, which became the prototype for later dispute resolution, models: Major programs were launched by the LEAA in 1976, including the Neighbourhood Justice Centres Program with pilot programmes in Los Angeles, Atlanta and Kansas City, the San Francisco Community Board Programme (Later was a pioneer in school peer mediation Programmes), the Boston Urban Court Programme and others.

An important event which further helped with, the growth and development of ADR in the USA is usually traced to a meeting of in-house counsel in the United States about 45 years ago. The group bemoaned the cost of litigation, the time it consumed and the fact that litigants felt excluded from litigation process. The attendees agreed amongst themselves that if they had disputes with each other, they would attempt ADR before resorting to traditional litigation.

Representatives of the companies present at the 'ADR pledged to indicate their support for ADR over litigation in appropriate circumstances**.** Out of the meeting, the Centre for Public Resources (CPR) was formed through which the in-house counsel could access neutrals and obtain information about Arbitrators. The CPR developed a roster of mediators and arbitrators of which consisted of retired judges and distinguished attorneys.

The Multi Door Courthouse System is a significant development arising out of the relationship between ADR mechanism and the court system. This concept was developed by Professor Frank E. A Sander in the USA in 1976, a professor of law at Harvard University who deliver a paper to the national conference on the causes of popular dissatisfaction with administration of justice, jointly sponsored by the judicial conference of the United States of America, the Conference of Chief Judges and the American-Bar Association. Professor Frank E A recommended flexibility in determining the appropriate process.

He actually anticipated that by the year 2000 there would be no place called a court but a Dispute Resolution Centre where an aggrieved would first be channelled through a screening clerk who would then

direct him to the process or sequence of processes most appropriate to his type of case. These theories have been tested in the District of Columbia, New York, Houston, Philadelphia, Northern California etc. similarly the Case Management a Doctrines (CMD) have been adopted in the United States of America. The 1980s also did witness many universities and law schools incorporating courses and degrees in ADR related topics and this has led to the presence and existence of ADR in almost all levels of the legal profession just as top-notch law firms now recruit certified attorneys and retired judges who offer mediation, negotiation and arbitration services to individuals and businesses alike.

In the United States of America, as at today, courts annexed Alternative dispute Resolution (ADR) is made mandatory, though courts are given authority to exempt cases or categories of cases from using ADR. Similarly, recent development of ADR in the United States is the introduction of Online Dispute Resolution (ODR). Internet users can now submit their issues or disputes to online arbitrators and other disputes resolution mediums that do not add to existing legal, precedents. Even lawyers practice ADR online and there have been tremendous results recorded so far.

4. ADR Development in the United Kingdom (U.K)

Although, the United Kingdom comprises England, Scotland, Wales and Northern Ireland. This section relates only to ADR in England because Scotland, Wales and Northern Ireland have their separate legal systems. As early as the Norman Conquest, legal charter and documents indicated that English citizenry instituted action concerning private wrongs officiated by highly respected male member of the community in informal, quasi adjudicatory setting[35]. In some instances, the king utilized the local arm as an extension of his own legal authority rather than formal king's court. The king merely adopts the decision of a local but highly respectable lay person without ever reaching its merit of the suit creating the first form of arbitration.

[35] The Harvard method of Negotiation Fordman Law School Dispute Resolution Program.

Another account[36] reported that arbitration existed before common law and in fact used as a means of dispute, resolution for back as 1224. It developed as a means for merchants and traders to avoid court. The earliest recorded evidence relating to a written law of Arbitration in England dates back in 1698 with the passage of the Arbitration Act which was to promote trade and render arbitrators more effectual.

In the common law era, the first case on Arbitration that gained notoriety was in Lord Cothe's 1609 decision in *Vynior v Wilde*[37] where agreements to arbitrate were first pronounced upon to be mandatory. The case of *Scott* v *Avery*[38] was also indeed instructive and by no small means shaped the evolution of ADR in England as it signalled a resounding endorsement of arbitral process in commercial transaction and statutory confirmation given in 1854 Common Law Procedure Act (one of the first modem effort at a comprehensive arbitration statute).

At the end of the nineteenth century, England enacted the 1889 Arbitration Act which was in turn widely adopted throughout the Commonwealth. The Act confirmed the irrevocability of agreements to arbitrate future disputes while granting English courts discretion whether or not to any litigation brought in breach of such agreement. Other legislations which have followed in the seventieth century include the Arbitration Act of 1950, 1975, 1979[39] and lately 1996 respectively.[40]

5. Civil Justice Reform and Alternative Dispute Resolution (ADR) during the Era of Lord Woolf

The dissatisfaction with the civil justice system expressed by disputants coupled with the conclusion of the 1998 Civil Justice Reform led to the commissioning by the Lord Chancellor of Lord Woolf Committee to produce a report on Access to Justice. The committee identified the problem of formal and inflexible proceedings

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[36] R V Massey, 'History of Arbitration and Grievance Arbitration in the United States' <http//www.wvu.edu1-entendeps/11es/arbitration-history..Pdt7> accessed 2nd September 2020.

[37] *Vynior v Wilde* Vynior v. Wilde (1609) 8 Co. Rep. 81b

[38] *Scott v Avery (1856) 5 HL Cas 811*

[39] ibid pp 444-445

[40] ibid (n6) 43-44

to include endemic delays, high cost and little or no use of modern technology.

Though the report concluded that the time then was not right for the introduction of ADR, yet it dedicated an entire chapter titled 'Alternative Approaches to Dispensing Justice'. It went further also to admonish lawyers of their professional responsibility to fully acquaint their clients with the options but nonetheless, the court must encourage their use.

The Woolf's Report and its recommendations were however effected through the Civil Procedure Rules 1998 which had its four major objectives: Simplification of Procedure (to include expediency and cost reduction through the principle of proportionality), judicial case management (requiring judge to manage resolution process by watering down adversarial system), Pre-action Protocols (aiming at encouraging contact between parties and better exchange of information hoping that settlement may be facilitated), Alternative to Court Procedure thereby bringing a whole-hearted reception of ADR into the English Civil Process.

In the overall, the encouragement of parties to resort to ADR in England has also been manifested and inculcated by the Court of Appeal as seen in several of its recent decisions. The court annexed ADR system has also emerged and found in various courts leading to few cases being litigated in English Courts.

6. Conclusion

Alternative Dispute Resolution ADR also known today as the means of settling disputes between parties, nations and among international bodies. It all started from the United States of America and United Kingdom before it spread all over the world. Hence the countries all over the world today embrace 'Alternative Dispute Resolution' in the settling of disputes. Each Country all over the world, as at today incorporates the aspects of 'ADR' in their Laws. Countries and Nations today use the medium of Alternative Dispute Resolution in the settlement of their differences.

These have enhanced social and commercial activities among nations and across the borders. ADR has enhanced and paved ways for

commercial activities that nations are confident of their capitals in the course of their commercial dealings.