



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
2021_1 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

1. Fifa was supplied some cartons of baked beans worth about N2,000,000 (two million naira) from Frank his business partner of over five years. Although Frank and Fifa had a partnership agreement which made ADR a preferred option for settlement of any dispute, they have never had any major business disagreement. However, as it turned out Frank took deliveries of some cartons of button mushrooms which were not listed on the invoice. It took Fifa several weeks of tracing before he was able to locate the movement of the button mushrooms. He alleged that Frank may have fraudulently taken deliveries of the goods. He decided to resort to litigation. Both parties have been through a lot of documentations processes and had each spent about 1.5million on court processes and delays. Frank finds this procedure very distracting for his business and improper too. Fifa on the other hand believes that Mediation is the way to go. Advise the parties on the benefits and burdens of ADR as it applies to parties desire to resolve their issues quickly.

1(b) What is the relevance of mediation in the resolution of disputes.

2. K. Aina Esq in giving a meaning to the acronym stated that;

‘.....the letters stand for Alternative Dispute Resolution, a new approach to dispute processing. It refers to a range of mechanisms designed without the need for formal judicial proceedings. In other words ADR are those mechanisms which are used in resolving disputes faster and fairer without destroying ongoing relationships.’

(a) Discuss.

(b) In your opinion does this statement capture the whole objectives of ADR?

3. It has been submitted in some quarters that ADR has outlived its usefulness and as such there is need to revert back to the adjudicatory court system. Do you agree with this view and why.

(b) Discuss the rationale for ADR

4. Chukwuemeka and David have been contemplating dissolving their partnership business. A few days ago David's friend suggested to David to try and negotiate settlement with his partner Chukwuemeka. David does not understand fully what such negotiations will entail and has come to you for enlightenment him on the various negotiation processes. Advise him.
5. Alfred is married to Winnie a reputable legal practitioner of several years standing. Alfred fell apart with his partner over how to handle one of their sensitive Engineering construction works. Winnie offered to take the case up in her chambers and was confident that she will win in court. Alfred wants the matter to be handled by an expert in the area. He has heard about ADR but does not know how it works. He has come to you as an ADR expert for advice on which ADR mechanism would be most suitable in resolving the dispute and the possible benefits of such option.
6. Zuba has the franchise for the production and marketing of Swiss lace in West Africa with Sweet Sixteen in Poland. Recently Kimber visited Nigeria and saw the volume of patronage that Zuba is enjoying. Zuba was actually making more money than Kimber the owner of the business in Poland. He decided to renegotiate the contract. Zuba is indifferent as he has just secured another deal with a similar company in France to the knowledge of Kimber. What method of negotiation should each party adopt and why.