

PRINCIPLES OF NEGOTIATION AND MEDIATION

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Foreword

The fact that conflict is a constant feature of human existence is not perplexing; settlement of conflict in a manner that would engender lasting peace and harmony in any relationship remains a challenge to the uninitiated in Alternative Dispute Resolution (ADR) processes. ADR is rapidly growing in popularity, and preference for it is the reason that it provides alternative ways of resolving conflicts away from the regular litigation, which is fraught with various drawbacks. Negotiation and Mediation are two key ADR processes, which are mainly preferred. ADR in general and Mediation in particular received a boost with the establishment in 2002 of the Lagos State Multi-Door Courthouse (LMCD). The LMCD is the first Court-connected ADR Centre in Africa. The Federal Capital Territory (FCT) Abuja and other states like Abia, Akwa-Ibom, Kaduna and Kano have established their Multi-Door Courthouses, while several other states are at different levels of establishing theirs. These Multi-Door Courthouses have provided the platform for the practice of various ADR processes.

Many current legislations and agreements in Nigeria and beyond require that ADR should be the first option in settling any dispute arising therefrom before recourse to litigation. However, the major shortcomings of ADR is the lack of understanding of the processes by the majority of the populace, including lawyers who hitherto did not receive any training on ADR, dearth of qualified practitioners as well as lack of comprehensive texts on the subject that is tailored to meet our very peculiar condition.

This book, *Principles of Negotiation and Mediation*, being the first of its kind in Sub-Saharan Africa, fills that gap. It is a brilliant and comprehensive collection of essays reflecting a wide range of viewpoints and opinions on the practice of Negotiation and Mediation. It includes a number of aspects deliberately intended to provide readers with

insights into the practice of Negotiation and Mediation. This book aims at imparting on the reader, problem solving skills, whilst also serving as a practical manual for both beginners and practitioners in the area of Negotiation and Mediation. The language in the text is very lucid, hence, the readers will immensely benefit from this book.

This book contains thirteen innovative and reflective Chapters on various aspects of Negotiation and Mediation written by leading experts in Negotiation and Mediation. To the casual reader, it will be inspiring because of its practical exposition and simplicity of style. ADR Practitioners will be astonished by the book's depth of detail and density. The chapter topics in this unique book were carefully selected to cover important areas such as: Anatomy of Conflict, Bringing Parties to Settlement: The Role of the ADR Judge, Confidentiality in Mediation Proceedings, Practical Skills in Mediation, Court Mandated Mediation: Lessons Learned in the Lagos Multi-Door Courthouse, Dynamics of International Conciliation, Ethical Considerations and Code of Conduct for Mediators, Gender and Cultural Issues in Negotiation and Mediation, Mediating Workplace Dispute, Mediating to resolve Family Conflicts, Online Negotiation and Mediation, The Competent Mediator and The Multi-Door Courthouse Concept: Taking Lawyers out of the Courts?

The authors of the Chapters of this book are contemporary, seasoned ADR practitioners, judges and ADR teachers. These are outstanding individuals, brought to bear their practical experiences in the areas of Negotiation and Mediation in their various chapter contributions.

I recommend this invaluable resource to practitioners in the field of ADR, researchers, lawyers, students and anyone interested in learning the rudiments and advanced techniques of dispute resolution.

Professor Epiphany Azingo, SAN, PhD, LLD

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