**NATIONAL OPEN UNIVERSITY OF NIGERIA**
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI ABUJA**
**FACULTY OF LAW**
**DEPARTMENT OF PRIVATE AND PROPERTY LAW**

**2023_1 POP EXAMINATION**

**COURSE CODE: PPL 517**
**COURSE TITLE: ALTERNATIVE DISPUTE RESOLUTION I**
**TIME ALLOWED: 3 HOURS**
**INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) QUESTIONS. QUESTIONS 1 CARRIES 25 MARKS; OTHERS CARRY EQUAL MARKS.**

**TOTAL = 70 MARKS**

1. Chike and Eze had major disagreement concerning the profit sharing formula for profits in their business. As the major financier Eze prefers a 70:30 ratio while Chike prefers a 50:50 ratio as the operational manager of the company. Eze took the matter to the Lagos Multi Door Court where the parties with the assistance of a mediator agreed to a 60:40 arrangement in favour of Eze. Parties just completed the signing of the terms of settlement when Chike announced to the surprise of Eze that he has changed his mind about the ratio. Chike walked out of the Mediation room and never went back. Eze insists that the terms already agreed and signed must be binding on the parties and he is willing to go to court to insist on his views. Chike believes that Eze is unreasonable.
   (i) Advise Eze
   (ii) Using the relevant cases discuss when Mediation will not be an option

2. The need for a Negotiator to fully understand the power play in negotiations to be able to have a favourable concession and a successful negotiation cannot be over emphasized. What is Negotiation within the context of ADR? Discuss the sources of power in Negotiation.

3. (a) Discuss the legal requirements of a valid arbitration agreement under the laws of Nigeria?
   (b) Discuss the essential features of Arbitration

4. (a) What is the difference between ;
   (i) Best Alternative To a Negotiated Agreement (BATNA) and Zone of Possible Agreement (ZOPA) ( 5marks)
   (ii) Mediation and conciliation
   (iii) Atlantic Shipping Clause and Avery V Scot Clause

   (b) Types of disputes for conciliation;

5. Zika Chang Ltd a Chinese company gave Mufu All Drink Ltd (herein after referred to as Mufu) the franchise to produce and market Zika chapman in Nigeria. Nigerians appear to like this brand of Chapman and Mufu has been smiling to the bank. Chandlier ventures ltd an Indian company recently gave Mufu their own franchise to market Chandlier Chapman. The African Regional Director of Zika Chang Ltd got wind of this business boom and wants a renegotiation of the profit sharing formula with Mufu so that his company can receive more money. Mufu does not mind carrying on business with only the Chandlier franchise. What method of negotiation should Mufu and Zika Chang Ltd adopt and why.

6. It has been argued in some quarters that although mediation in Nigeria has several obvious advantages compared to both litigation and arbitration, it will be pushing things too far to impose it on unwilling litigants. Discuss.