COVID-19 AND ITS IMPLICATIONS ON ARBITRATION PROCEEDINGS IN NIGERIA AND SELECTED JURISDICTIONS

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Abstract

The recent COVID 19 pandemic shut down social, economic and political activities across the globe. This paper examines how arbitration proceedings adapted to the disruption caused by the COVID-19 pandemic, focusing on Nigeria's legal and institutional response compared with other jurisdictions. The paper adopted a doctrinal and comparative methodology, drawing on statutes, arbitral institution protocols, and the relevant scholarly literature in selected jurisdictions. The paper found that leading international institutions moved quickly to permit virtual hearings, and later amended their rules to recognise remote proceedings expressly. Comparatively, the paper found that the selected jurisdictions exercised procedural discretion by absorbing the shift without any legislative change. The paper recommended express legal recognition of emergency remote-hearing protocols, mandatory fairness safeguards for virtual proceedings, among others.

Keywords: arbitration and mediation act; COVID-19; international commercial arbitration; New York Convention; virtual hearing.

1.0 INTRODUCTION

Arbitration has, for decades, been the preferred mechanism for resolving cross-border commercial disputes due to its neutrality,

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enforceability under the New York Convention, and the procedural flexibility arbitral tribunals enjoy vis-à-vis national courts.[1] The flexibility had, before 2019 - 2020, rarely been tested by a shock that made the traditional in-person hearing physically impossible across an entire industry at once. The COVID-19 pandemic supplied exactly that test. National lockdowns, travel restrictions and health precautions meant that arbitral institutions, tribunals and parties could no longer assume that a hearing room, a court reporter and a group of lawyers travelling from different countries could simply convene as planned.

On 16 April 2020, a group of leading arbitral institutions, including the International Chamber of Commerce, the London Court of International Arbitration and the International Centre for Settlement of Investment Disputes, issued a joint statement committing to cooperation and the use of technology to keep pending cases moving.[2] Two days earlier, the Korean Commercial Arbitration Board had already published the Seoul Protocol on Video Conferencing in International Arbitration, offering practical guidance on planning, testing and conducting hearings by video link.[3]

Prior to the pandemic, virtual hearings were not entirely the norm. The International Centre for Settlement of Investment Disputes had conducted 60 per cent of its hearings and sessions by videoconference in the year before COVID-19 struck.[4] What the pandemic changed was not the existence of the technology but its necessity: virtual hearings

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[1] M Moses, The Principles and Practice of International Commercial Arbitration (3rd edn, Cambridge University Press 2021).
[2] Norton Rose Fulbright, 'Institutional Responses to COVID-19 Pandemic: Cooperation, Collaboration and Going Virtual' (Mediate.com, 13 August 2020) accessed 15 July 2026.
[3] ibid.
[4] Crowell & Moring LLP, 'Virtual Arbitral Hearings, COVID-19, and Award Enforcement' (Crowell & Moring, 24 April 2020) accessed 15 July 2026.

moved from being one convenient option among several institutions to being the preferred for the most part of 2020 and much of 2021, the only realistic option available.

Nigeria's arbitration community experienced the same disruption. Courts closed, physical filing of documents became impractical, and practitioners turned to online dispute resolution and virtual hearings out of necessity rather than preference.[5] Nigeria has since enacted the Arbitration and Mediation Act 2023, which gives clearer statutory footing to electronic communication and technology-assisted proceedings than its predecessor.[6] That reform, however, arrived roughly three years after arbitration practitioners in Nigeria first had to improvise a response to the pandemic, which raises the question this paper investigates: how well did Nigeria's legal and institutional framework actually serve arbitration users during the disruption itself, and what does the comparative experience of other jurisdictions suggest Nigeria should do differently the next time normal proceedings become impossible.

A pandemic tests a country's arbitration law in a very practical way: does the law already give tribunals room to adapt, or does the government have to step in and change the rules first? Nigeria's law during the pandemic, the Arbitration and Conciliation Act 1988, said nothing specific about virtual hearings or electronic communication.[7] Tribunals could still rely on general procedural discretion, inherited from the Model Law tradition Nigeria's arbitration statutes follow, and many did exactly that. But general discretion is not the same as a clear rule, and the difference matters: an arbitral award can be challenged,

[5]'Use of Online Dispute Resolution (ODR) and Virtual Hearings in Nigerian Arbitration Post COVID-19' (Mondaq, 5 January 2026) accessed 15 July 2026.
[6]Arbitration and Mediation Act 2023 (Nigeria)
[7]ibid, s 84(1).

under Nigerian law and the New York Convention alike, if a party was denied a fair chance to present its case.[8]

Other countries faced the same disruption from different starting points. The United Kingdom's Arbitration Act 1996 already gave tribunals wide discretion over how a hearing is run, so the move to video hearings needed no new law at all.[9] South Africa kept its statute unchanged too, but its main arbitration institution issued its own protocol for remote hearings, giving everyone a clear, common set of ground rules to follow.[10] Uganda shared much the same legal starting point as Nigeria, yet its institutions struggled in practice: hearings were suspended where parties simply could not get hold of the technology needed, and many disputes moved to cheaper, less formal settlement instead.[11]

The paper does not attempt a global survey of every jurisdiction's pandemic response, since that would dilute rather than sharpen the comparative analysis.

2.0 CONCEPTUAL CLARIFICATION AND LITERATURE REVIEW

2.1 International Commercial Arbitration

International commercial arbitration is a private, consensual method of resolving a commercial dispute with a cross-border element, in which the parties submit their dispute to one or more arbitrators whose

[8]Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, art V(1)(b).
[9]Arbitration Act 1996 (UK), ss 33 to 34.
[10]DLA Piper Africa, 'Africa Rising: Virtual Hearings in International Arbitration' (DLA Piper, 4 November 2020) accessed 15 July 2026.
[11]Chambers and Partners, 'International Arbitration 2022: Uganda' (Chambers and Partners Global Practice Guide, 16 August 2022) accessed 15 July 2026.

decision, the award, is final and binding and enforceable across borders under instruments such as the New York Convention.[12] Unlike litigation, the parties choose their own decision-maker and, within limits set by the applicable arbitration law, their own procedure. It is precisely that procedural flexibility that this paper's later sections test against the pressure of a pandemic.

2.2 Virtual or Remote Hearing

A virtual or remote hearing is an arbitral hearing conducted wholly or partly through videoconference, telephone, or other communications technology, rather than through the physical, in-person attendance of the tribunal, the parties, counsel and witnesses at a single location.[13]

2.3 Due Process in Arbitration

Due process, in the arbitration context, refers to the tribunal's duty to act fairly and give each party a reasonable opportunity to present its case and respond to the case against it.[14] A serious failure of due process is one of the narrow grounds on which a court may refuse to enforce, or may set aside, an arbitral award, whether under domestic law or under Article V of the New York Convention.

2.4 Force Majeure

Force majeure is a contractual doctrine excusing a party from performance where an extraordinary event beyond its control makes performance impossible or radically different from what was agreed. It is included here because the same pandemic that disrupted arbitral procedure also generated a large volume of the underlying commercial disputes, over supply contracts, construction timelines and shipping

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[12] Moses (n 1).
[13] LCIA Arbitration Rules 2020, art 19.2.
[14] Arbitration Act 1996 (UK), s 33(1)(a).

obligations, that parties subsequently referred to arbitration in the first place.

2.5 Seat of Arbitration

The seat of arbitration is the legal jurisdiction whose arbitration law governs the procedure of the arbitration and whose courts retain a supervisory role over it, including the power to hear a challenge to the award.[15] The seat therefore determines which of the four legal frameworks compared in Section 4 actually applies to a given arbitration, regardless of where the parties themselves are based.

3.0 LITERATURE REVIEW

The literature on international commercial arbitration during the COVID-19 pandemic falls into four broad clusters: the doctrinal foundations of arbitral procedure that predate the pandemic, the pandemic-specific scholarship on virtual hearings, the narrower technological literature on cybersecurity and developing-state readiness, and the Nigerian and African literature on arbitration and technology.

Born's treatise made a single account of arbitral procedure across the major arbitration centres of the world, and its treatment of tribunal discretion is correspondingly thorough: he sets out, jurisdiction by jurisdiction, how far a tribunal may go in deciding the location, timing and format of a hearing without needing the parties' express agreement.[16] The persuasive force of the work lies precisely in that comprehensiveness: because Born draws on so many jurisdictions, a reader can be reasonably confident that the general principle he states,

[15] Crowell & Moring LLP, 'Virtual Arbitral Hearings, COVID-19, and Award Enforcement' (Crowell & Moring, 24 April 2020) accessed 15 July 2026.
[16] G Born, International Commercial Arbitration (3rd edn, Kluwer Law International 2021).

that procedural discretion is wide and does not depend on a specific pandemic-shaped rule, is not simply an artefact of one legal system's peculiarities.

The limitation is just as easy to state. Born writes from the vantage point of arbitration as it is actually practised in mature, well-resourced seats: London, Paris, New York, Singapore, Geneva. In those cities, a tribunal exercising its discretion to move a hearing online can simply assume that fast internet, experienced local courts, and technical support staff will be available. Born's account is not wrong about what the law permits; it is simply silent on what a tribunal needs, beyond the law, to use that permission well. That silence is exactly where the Nigerian scholarship discussed later in this cluster begins.

Redfern and Hunter's standard practitioner text covers similar ground to Born but in a more operational register, closer to a working manual for the arbitrator than a comparative restatement of the law.[17] Its value for this paper is that it spells out, in practical terms, exactly what a tribunal actually does when it exercises procedural discretion: issuing directions, consulting the parties, and recording its reasons. That level of practical detail is persuasive because it shows discretion is not an abstract legal power but a series of concrete administrative choices a tribunal has to make competently, one after another.

The same objection made against Born applies here with equal force, and arguably more so, since Redfern and Hunter's practical guidance assumes a level of registry support, case management infrastructure and institutional back-office capacity that is realistic in London but cannot simply be assumed in Lagos, Kampala or many other

[17] A Redfern and M Hunter, Law and Practice of International Commercial Arbitration (6th edn, Sweet & Maxwell 2015).

developing-world seats. The book tells a tribunal what to do; it does not ask whether the tribunal has the means to do it.

Waincymer's work on procedure and evidence approaches the same discretion from a slightly different angle, asking not just how far a tribunal's power extends but why that power is so wide in the first place.[18] His answer, that arbitration is fundamentally a creature of contract, and the tribunal's authority derives from what the parties agreed to rather than from a fixed procedural code, is a useful theoretical underpinning for the entire first cluster: it explains why a tribunal facing an unprecedented event like a pandemic is not acting outside its mandate by improvising a solution, since the parties' original agreement to arbitrate was almost never so specific that it anticipated, and therefore limited, every possible circumstance. The limitation is that Waincymer's account, like Born's, is pitched at a level of generality that does not distinguish between a contractual power that exists on paper and a contractual power a tribunal can actually and confidently exercise.

Onyema's work of the arbitrator's contractual relationship with the parties covers similar theoretical ground to Waincymer but does so with direct experience of West African arbitration, which makes it a useful bridge between the international treatises above and the more sceptical Nigerian literature discussed later in this section.[19] Onyema is less inclined than Born or Redfern and Hunter to treat institutional infrastructure as a given, precisely because his own regional focus makes the gaps in that infrastructure harder to ignore. He does not go as far as Ajogwu or Rhodes-Vivour, discussed below, in making

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[18] J Waincymer, Procedure and Evidence in International Arbitration (Kluwer Law International 2012).

[19] E Onyema, International Commercial Arbitration and the Arbitrator's Contract (Routledge 2018) 2

institutional capacity his central argument, but his work is best read as already gesturing toward the concern those two writers develop in full. Ferrari and Rosenfeld's comparative general report on due process supplies something the other doctrinal works do not: an account of where tribunal discretion stops, rather than simply how far it extends.[20] This is directly useful to the present paper, since Section 5 below asks precisely this question of virtual hearings specifically: at what point does a tribunal's procedural choice, however well intentioned, tip over into a denial of a fair hearing? Ferrari and Rosenfeld's comparative method, drawing on national reports from a range of jurisdictions, is a genuine strength.

Even so, the jurisdictions surveyed in that comparative general report are overwhelmingly developed-world ones. The developing-country experience of where the due process line actually falls, tested under real infrastructural constraints rather than in the abstract, is largely left to be inferred rather than examined directly, which is one of the specific gaps this paper's own analysis of Nigeria, South Africa and Uganda is positioned to help fill.

Ajogwu's made a genuine turn in this literature, because it does not treat tribunal discretion as something that simply works once it exists on paper.[21] Drawing on decades of Nigerian arbitration practice, he documents in detail how much that discretion actually depends on things the international treatises above take for granted: dependable electricity and internet infrastructure, institutions with real experience running proceedings under pressure, and a judiciary comfortable enough with arbitration generally not to second-guess a tribunal's

[20] F Ferrari and F Rosenfeld (eds), Due Process as a Limit to Discretion in International Commercial Arbitration (Kluwer Law International 2020).

[21] F Ajogwu, Commercial Arbitration in Nigeria: Law and Practice (3rd edn, Centre for Commercial Law Development 2019).

procedural choices after the fact. Where Born asks what the law permits, Ajogwu asks what a Nigerian tribunal can actually do with that permission, and his answer is considerably more cautious.

This is not a minor disagreement, and it deserves to be stated plainly rather than softened. Born and Redfern and Hunter are persuasive on the content of the law; Ajogwu is persuasive on the conditions under which that law can be used well, and those are different questions with different answers. For a paper specifically about how Nigeria's arbitration community actually coped with the pandemic, Ajogwu's account, developed from within the system rather than observed from outside it, carries more direct evidential weight than either of the international treatises, valuable as they are for stating the underlying legal principle.

Rhodes-Vivour's case-based account of Nigerian arbitration law makes a related point through a different method: rather than describing the law as a set of propositions, she works through decided Nigerian cases to show how the theory actually played out in practice.[22] The pattern she identifies is a genuinely useful one for this paper: the gap between what the law allows in theory and what actually happens on the ground tends to become visible only once a dispute has already reached a Nigerian court, by which point the practical damage, delay, extra cost, uncertainty over enforceability, has usually already been done.

Read alongside Ajogwu, Rhodes-Vivour strengthens rather than merely repeats the same point: Ajogwu explains why the gap between legal permission and practical capacity exists, and Rhodes-Vivour shows, case by case, what it actually looks like when that gap is exposed. Together they form the strongest counterweight in this

[22] A Rhodes-Vivour, Commercial Arbitration Law and Practice in Nigeria Through the Cases (LexisNexis 2016).

literature to the confident, discretion-is-sufficient tone of the international treatises, and their combined account is a central reason this paper treats institutional readiness, not the wording of the law, as the decisive variable in its own comparative analysis.

Read as a whole, this first cluster shows a consensus on one point and a real disagreement on another. The consensus is that arbitral tribunals possess wide procedural discretion as a matter of law, wide enough, in principle, to cover an event as disruptive as a pandemic without needing new legislation. The disagreement is over what that discretion is actually worth in practice: Born, Redfern and Hunter, Waincymer and, to a lesser extent, Onyema and Ferrari and Rosenfeld treat the existence of the power as close to the end of the analysis, while Ajogwu and Rhodes-Vivour insist that the existence of a power and the practical capacity to use it well are two separate questions, and that a developing-country arbitration community can hold the first without yet having secured the second.

Scherer's widely cited analytical framework, published within weeks of the first lockdowns, was among the earliest serious academic attempts to work out what a fair virtual hearing actually requires as a matter of procedural law, and it anticipates several of the due process questions this paper takes up directly in Section 5.[23] Its particular strength is timing: because it was written early enough to shape practice rather than simply describe it after the fact, it reads less like a retrospective account and more like a genuine attempt to solve a live problem in real time, which gives its analysis an unusual degree of practical bite for an academic piece.
Scherer's framework is, however, built around the kind of institution that could act on her advice quickly, one with existing technology

[23] M Scherer, 'Remote Hearings in International Arbitration: An Analytical Framework' (2020) 37(4) Journal of International Arbitration.

infrastructure and the staff to implement new guidance on short notice. Nothing in the framework itself is wrong about this, but it does mean the framework describes what a well-placed institution should do rather than what a less well-placed one actually could do, a distinction this paper's comparative chapters return to directly.

Brown, McNeill and Sharpe give a first-hand, practitioner's account of one of the earliest major institutions to move entirely online, the International Centre for Settlement of Investment Disputes.[24] Its value lies in its specificity: rather than arguing in the abstract that virtual hearings can work, it documents exactly how one particular, high-profile hearing actually did, down to the logistics of managing witnesses, exhibits and interpretation remotely. That level of concrete detail makes a stronger case for feasibility than a purely theoretical argument could.

The obvious limitation is generalisability. ICSID is not a typical arbitral institution; it is among the best funded and most experienced in the world, backed by the infrastructure of the World Bank Group. An institution with that much capacity was always likely to adapt quickly and smoothly. Whether the same confidence is warranted for an institution with a fraction of ICSID's resources is a question Brown, McNeill and Sharpe do not ask, because their case study does not require them to.

Betancourt's broader survey of the pandemic's impact on commercial arbitration takes a wider lens than the ICSID-specific account above, tracking how institutions generally, not just one, responded across the

[24] C Brown, M McNeill and J K Sharpe, 'First Impressions of a Virtual Hearing at ICSID' (2020) 35(1 to 2) ICSID Review 214.

first year of the disruption.[25] Its usefulness to this paper is comparative in a modest sense: by surveying several institutions rather than one, it confirms that the ICSID experience described above was not an isolated success story but part of a broader pattern across major arbitral institutions.

That broader pattern, though, is still a pattern among major, well-known institutions. Betancourt's survey does not extend to the kind of smaller, less-resourced institutions this paper's own comparison, particularly its discussion of Uganda in Section 4, shows behaved very differently. The strength of Betancourt's work, its institutional breadth, is also, in this specific respect, its limitation.

Arlota extends this cluster's central question, whether existing arbitral flexibility was sufficient, into investment arbitration specifically, focusing on the energy sector.[26] Her contribution is to show that the pandemic's disruption of arbitration was not confined to ordinary commercial disputes; it reached into a specialised, high-value area of practice where the underlying investment disputes were themselves often triggered by pandemic-related regulatory measures, adding a further layer of complexity that the more general accounts above do not address.

Arlota's analysis, useful as it is for showing the breadth of the pandemic's reach, shares the same starting assumption as Scherer, and Brown, McNeill and Sharpe: that the relevant institutions had, or could quickly acquire, the resources needed to adapt. Nothing in her account

[25] J Betancourt, 'Some Reflections on the Impact of COVID-19 on International Commercial Arbitration' (2021) 32(4) American Review of International Arbitration.
[26] C Arlota, 'The Impact of the COVID-19 Pandemic on Foreign Investment and Investment Arbitration' (2022) 15(5) Journal of World Energy Law and Business 382.

tests that assumption against a less-resourced comparator, which is precisely what this paper's own Section 4 sets out to do.

Taken together, this second cluster is considerably more persuasive on the legal question of whether virtual hearings were permissible than on the practical question of whether every arbitration community was equally ready to conduct them. Every writer in this cluster generalises from well-established, well-funded institutions, ICSID, the ICC, the LCIA, whose confidence that flexibility alone was sufficient rests on an institutional baseline that, as this paper's comparative analysis in Section 4 shows, Nigeria and particularly Uganda did not share.

Ling's work of cybersecurity risk in international arbitration makes a point that is easy to overlook amid the general enthusiasm for virtual hearings: a hearing conducted online is not simply an in-person hearing relocated to a screen, it is also a hearing whose confidential evidence, witness testimony and tribunal deliberations now travel across networks that a traditional in-person hearing never had to rely on.[27] This is a genuinely underexplored risk in the wider COVID-arbitration literature, and Ling deserves credit for treating it as a first-order concern rather than a minor technical footnote. This paper picks the concern up directly in its discussion of institutional protocols in Section 4.

The limitation is that Ling is considerably stronger on identifying the risk than on prescribing a remedy suited to a lower-resource setting; the safeguards she recommends, dedicated cybersecurity personnel, secure proprietary hearing platforms, presuppose exactly the kind of institutional capacity this paper's comparative chapters show cannot simply be assumed across Nigeria, South Africa and Uganda alike.

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[27] D T C Ling, 'Cybersecurity in International Arbitration: An Untapped Opportunity for Arbitral Institutions' (2022) 34(2) Singapore Academy of Law Journal 432.

Cuniberti's earlier work, written years before the pandemic and never concerned with COVID-19 at all, turns out to be one of the single most useful pieces in this entire literature for the specific argument this paper makes.[28] His question was simple: if two countries adopt exactly the same model arbitration law, word for word, will arbitration actually function the same way in both? His answer was no, and the reason he gives is worth holding onto because it explains so much of what follows in this paper. A model law is a bit like a recipe: handing identical instructions to two different kitchens does not guarantee an identical meal, because one kitchen may have a working oven, trained staff and fresh ingredients close at hand, while the other does not.

This is, in a sense, the theoretical key to the entire comparison this paper undertakes. Nigeria, the United Kingdom, South Africa and Uganda were all, in a loose sense, cooking from the same recipe, the UNCITRAL Model Law tradition, once the pandemic forced the question of virtual hearings onto every arbitration community at once. What came out of each kitchen, as this paper's Section 4 shows in detail, was very different, and Cuniberti's pre-pandemic argument is exactly why that difference should not be treated as surprising or as evidence that the underlying law itself was inadequate.

Ling shows that virtual hearings introduce a genuinely new category of risk that the pre-pandemic literature never had to consider. Cuniberti shows why the same legal text produces different practical outcomes in different settings, a claim this paper's own comparative findings bear out directly.

[28] G Cuniberti, 'The UNCITRAL Model Law and the Future of Arbitration in Developing States' (2019) 36(5) Journal of International Arbitration 521.

Kio-Lawson's account of the growth of electronic arbitration and online dispute resolution in Nigeria is written in a broadly optimistic register, treating the expansion of e-arbitration as primarily a matter of updating institutional rules and raising practitioner awareness of what the available technology can already do.[29] The strength of this account is that it correctly identifies real, tangible progress, growing familiarity with e-filing, electronic service and online case management among Nigerian practitioners, that should not be dismissed simply because it is optimistic in tone.

Its weakness, read against Ajogwu and Rhodes-Vivour in Section 2.6.1, is that it tends to treat technology adoption and institutional readiness as though they were the same thing, when this paper's own findings suggest they are not: a practitioner comfortable using e-mail and video conferencing is not the same as an institution with a documented protocol, a reliable power supply, and a judiciary confident enough in arbitration not to slow enforcement down.

Nwakoby's paper of the role of technology in Nigerian arbitration practice covers closely related ground to Kio-Lawson, and largely reinforces the same optimistic reading, emphasising the practical benefits technology brings in terms of cost and time savings for Nigerian arbitration users.[30] Read alongside Kio-Lawson rather than in isolation, the two works are best understood as making the same broad case from slightly different angles, one focused on process, the other on cost, rather than as fully independent contributions.

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[29] S Kio-Lawson, 'E-Arbitration and the Future of Online Dispute Resolution' (2020) 13 Nigerian Journal of Private and Comparative Law 71.

[30] I Nwakoby, 'The Role of Technology in Arbitration Practice in Nigeria' (2020) 14 *Journal of Commercial Law* 33.

Neither work, however, engages directly with the institutional and infrastructural objections Ajogwu and Rhodes-Vivour raise, which means this second, more optimistic strand of the Nigerian literature and the first, more cautious strand identified in Section 2.6.1 have not really been brought into direct conversation with each other before. Doing exactly that is one of the smaller but genuine contributions of this paper's own literature review.

Bamodu situates Nigeria's experience within a wider African literature on technology and dispute resolution, rather than treating Nigeria as a self-contained case study, which is a useful corrective to the narrower, purely domestic focus of Kio-Lawson and Nwakoby.[31] His regional framing leans, on balance, toward the more cautious reading associated with Ajogwu and Rhodes-Vivour rather than the optimistic one, since a continental perspective makes the unevenness of institutional capacity across different African jurisdictions harder to overlook than a single-country study might.

Gbadebo-Smith asks a more pointed, doctrinal question than any of the writers considered so far: does Nigeria's existing contract law actually support an enforceable online arbitration agreement, or does the law merely permit one in a general sense while leaving real uncertainty about its enforceability in a specific dispute?[32] This is a valuable, narrower question than the broader institutional-capacity debate running through this literature review, and it connects directly to the enforceability analysis this paper undertakes in Section 5, since a due process challenge to an award and a contract-law challenge to the underlying arbitration agreement are related but distinct risks.

[31] G A Bamodu, 'The Role of Technology in Dispute Resolution: Opportunities and Challenges for Africa' (2021) 13(1) Journal of African Business Law 15.
[32] A Gbadebo-Smith, 'Enforcing Online Arbitration Agreements in Nigeria: A Doctrinal Analysis' (2020) 5(2) Lagos Arbitration Review 89.

The limitation is that Gbadebo-Smith's analysis, being doctrinal, does not test whether these theoretical enforceability concerns actually materialised in practice during the pandemic specifically, a gap this paper's own comparative findings are better placed to speak to.

Ebobrah raises a closely related question from a constitutional rather than contractual angle: does a digitally conducted hearing satisfy the constitutional right to fair hearing under Nigerian law in the same way an in-person hearing does, or does the shift to a virtual format itself raise a live constitutional question?[33] Read together, Gbadebo-Smith and Ebobrah supply the two legal angles, contractual and constitutional, from which Nigeria's existing legal architecture for online and virtual arbitration can most usefully be tested, and both raise a question the more celebratory technology-adoption literature discussed above tends to assume away rather than test directly.

Okereocha's account of the colonial roots of Nigeria's dispute resolution architecture supplies useful historical background rather than a direct argument about arbitration during the pandemic.[34] Its relevance to this paper is indirect but real: understanding why Nigeria's formal dispute resolution institutions developed the way they did helps explain why the institutional gaps Ajogwu and Rhodes-Vivour describe exist in the first place, rather than treating those gaps as a purely contemporary funding or policy failure.
Omale's broader work on digital access to justice in Nigeria, not focused on arbitration specifically, rounds out this cluster by situating the arbitration-specific technology debate within a wider access-to-

[33] S Ebobrah, 'The Constitutional Right to Fair Hearing and Digital Justice in Nigeria' (2021) 10(3) Nigerian Constitutional Law Review 34.
[34] C Okereocha, 'Colonial Legacies and the Evolution of Dispute Resolution in Nigeria' (2020) 5(1) Journal of African Legal History 47.

justice literature.[35] Neither Okereocha nor Omale engages with arbitration in any real depth, which is itself worth noting as a modest gap: the broader Nigerian access-to-justice literature and the arbitration-specific literature discussed throughout this review have, to date, developed largely in parallel rather than informing each other directly.

Kio-Lawson and Nwakoby represent the optimistic strand; Bamodu leans cautious; Gbadebo-Smith and Ebobrah raise doctrinal questions the optimistic strand does not test; and Okereocha and Omale supply context that helps explain why the caution is warranted. None of these seven works, however, tests any of these claims against a specific, comparative account of how Nigeria's arbitration community actually performed during the pandemic itself, set against other jurisdictions facing the same disruption.

In all, Born, Redfern and Hunter, Waincymer, Onyema and Ferrari and Rosenfeld establish the legal basis for that flexibility; Scherer, Brown, McNeill and Sharpe, Betancourt and Arlota confirm it held up in practice at well-resourced institutions; and even the more cautious Nigerian writers, Ajogwu and Rhodes-Vivour among them, do not dispute that the underlying legal power existed. No serious writer surveyed in this review argues that arbitration needed a new law to survive the pandemic.

The first disagreement, taken up again in Section 3.3 of this paper, is over whether virtual hearings should remain the default going forward or revert to being the exception, used only when travel or health genuinely prevents an in-person hearing. This is not really a disagreement about facts, since both camps accept that virtual hearings

[35] D A Omale, 'Access to Justice through Digital Technology: Prospects and Challenges in Nigeria' (2020) 7(1) Journal of African Law and Society 99.

worked adequately during the emergency itself. It is a disagreement about values: whether the time and cost savings of a virtual hearing are worth a residual, if generally small, risk to fairness that an in-person hearing does not carry to quite the same degree.

The second disagreement is the one that matters most for this paper, and it runs through every cluster above without ever being named directly in the existing literature itself, which is precisely the contribution naming it here makes. On one side sit the international treatises, Born and Redfern and Hunter above all, for whom the existence of wide tribunal discretion is close to the end of the analysis: if the law permits a virtual hearing, the practical question of whether it can be conducted well is treated as largely solved. On the other side sit the Nigerian and African writers, Ajogwu, Rhodes-Vivour and, in a more cautious register, Bamodu, Gbadebo-Smith, Ebobrah, Okereocha and Omale, for whom legal permission and practical capacity are two separate questions, and having the first does not guarantee the second. Cuniberti's pre-pandemic argument about why identical model laws produce different outcomes in different settings supplies the clearest theoretical explanation for why the second group is right to insist on the distinction, and Ling's work on cybersecurity risk adds a further, technology-specific reason the distinction matters in practice, not just in theory.

None of the twenty works reviewed here, however, undertakes the specific comparative exercise this paper attempts. The Nigerian scholarship, including Ajogwu's and Rhodes-Vivour's, is doctrinal and general: it describes Nigerian arbitration and its institutional weaknesses as an ongoing state of affairs, rather than testing how Nigeria's arbitration community specifically coped, compared side by side with other jurisdictions, during the particular years before the Arbitration and Mediation Act 2023 existed. The international pandemic-arbitration literature, meanwhile, studies the disruption institution by institution, ICSID, the ICC, the LCIA, rather than lining up one developing country's actual experience against an established seat, a regional peer, and a less-resourced comparator, side by side, on the same set of questions. That comparative exercise, missing from the existing literature on both sides of the disagreement identified above, is precisely what the remaining sections of this paper are built to provide.

4.0 THE INTERNATIONAL INSTITUTIONAL RESPONSE TO COVID-19

Arbitral institutions did not wait for national governments to legislate before responding to the pandemic. Within weeks of the World Health Organization's March 2020 declaration, institutions had begun issuing guidance, and within months several had begun amending their own rules.[36]

4.1 The Joint Statement and Early Guidance

On 16 April 2020, thirteen arbitral institutions issued a joint statement expressing solidarity and a shared commitment to using technology to keep pending cases moving without undue delay.[37] The International Chamber of Commerce followed on 9 April 2020 with a guidance note recommending specific measures: resolving unmeritorious claims quickly, issuing partial awards where possible, holding procedural conferences to narrow the issues in dispute, and, where necessary, proceeding to a hearing by videoconference rather than adjourning indefinitely.[38]

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[36]'What the ICC and LCIA Rule Changes Mean for International Arbitration in 2021' (Lexology, 2021) accessed 15 July 2026.

[37]Institutional Responses to COVID-19 Pandemic (n 2).

[38]'Arbitration During the COVID-19 Pandemic' (Lexology, 16 October 2020) accessed 15 July 2026.

4.2 Amendments of the Rule

Guidance notes were an immediate response; rule amendments followed once it became clear the disruption would not be brief. The London Court of International Arbitration was first, with its 2020 Arbitration Rules, in force from 1 October 2020, expressly providing that a hearing may take place in person or virtually by conference call, videoconference, or other communications technology.[39] The International Chamber of Commerce followed with its 2021 Rules, in force from 1 January 2021, under which the tribunal may decide, after consulting the parties, that a hearing will be conducted remotely.[40]

Both institutions were, in one sense, only codifying a discretion tribunal already possessed. The 2014 LCIA Rules had already permitted hearings by video or telephone conference at the tribunal's election, and the ICC's general procedural discretion provisions were broad enough to support the same result even before 2021.[41] What the 2020 and 2021 amendments added was certainty: an explicit rule removes any argument that a virtual hearing was not properly authorised, which matters directly to the enforceability question this paper takes up in Section 5.

4.3 The Limits of Institutional Flexibility

It would be a mistake to read this rapid institutional response as evidence that virtual hearings raised no real difficulties. A comprehensive work across seventy-eight jurisdictions found that none of the arbitration laws surveyed contained an express provision

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[39]LCIA Arbitration Rules 2020 (n 13), art 19.2.
[40]ICC Rules of Arbitration 2021, art 26(1).
[41]Orrick, Herrington & Sutcliffe LLP, 'New LCIA and ICC Rule Updates: Increased Flexibility and Virtual Hearings' (Orrick, 19 October 2020) accessed 15 July 2026.

granting a party the right to a physical hearing.[42] That absence of an express right cuts both ways. It gave tribunals the legal room to proceed virtually without needing party consent, but it also meant that a party resisting a virtual hearing had no clear statutory foothold for its objection, leaving the question to be resolved, case by case, through the tribunal's general duty of fairness rather than through a settled rule. Section 5 returns to this point directly, since it is exactly the kind of ambiguity that a resilient legal framework should resolve in advance rather than leave to be argued out during the next crisis.

5.0 ARBITRATION PROCEEDINGS AND COMPARATIVE RESPONSES TO COVID-19 PANDEMIC

5.1 Nigeria

Throughout the pandemic period, arbitration in Nigeria was governed by the Arbitration and Conciliation Act 1988, a statute drafted decades before video-conferenced hearings were a practical possibility and containing no express provision for electronic communication or remote proceedings. Nigerian practitioners nonetheless adapted, turning to online dispute resolution and virtual hearings as a practical necessity once courts closed and travel became impossible.[43]

That adaptation rested on the same general tribunal discretion that underpinned the international institutional response described in Section 3, rather than on any Nigeria-specific statutory permission. Commentary from the period captures the position candidly: the

[42] Will Virtual Hearings Remain in Post-pandemic International Arbitration? (2023) International Journal for the Semiotics of Law, n 11.
[43] Use Of Online Dispute Resolution And Virtual Hearings In Nigerian Arbitration Post COVID-19 (Mondaq, 2026).

pandemic forced a rapid, improvised shift to remote proceedings that the existing law had simply not anticipated.[44]

It was only in 2023, after the acute phase of the pandemic had passed, that Nigeria's arbitration law caught up. The Arbitration and Mediation Act 2023 repealed the 1988 Act[45] and, among its many innovations, gives express recognition to electronic communication and permits an arbitral tribunal to conduct hearings by technological means, provided all parties have an equal opportunity to participate.[46] The 2023 Act's virtual-hearing provisions read, in substance, as a codification of what practitioners had already been improvising since 2020, which is a useful illustration of how legal reform in Nigeria has tended to follow practice rather than anticipate it.

5.2 United Kingdom

The United Kingdom entered the pandemic from a markedly different legal starting point. Sections 33 and 34 of the Arbitration Act 1996 give a tribunal wide discretion over procedural and evidential matters, including the location, timing and form of a hearing, subject only to its overriding duty to act fairly and give each party a reasonable opportunity to put its case.[47] Because that discretion was already broad enough to cover a videoconferenced hearing, English-seated arbitrations required no legislative change at all to continue through the pandemic; tribunals simply exercised the discretion the 1996 Act had given them for over two decades.

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[44] T O Aina, 'Pandemic and the Future of Dispute Resolution in Nigeria' (2021) 5 Arbitration Review 17.
[45] Arbitration and Mediation Act 2023 (n 6).
[46] N I Ume, 'Technology in Arbitration: Nigerian Legal Readiness under the Arbitration and Mediation Act 2023' (2024) 12 Nigerian Journal of Commercial Law 47.
[47] Arbitration Act 1996 (n 9), ss 33 to 34.

This is not to say the position was free of legal risk. A party dissatisfied with an award made in a wholly virtual proceeding could, in principle, challenge it under section 68 of the Act for serious irregularity. In practice, English courts have set a high bar for such challenges: in *Terna Bahrain Holding Co v Ali Marzook Ali Bin Kamil Al Shamsi*[48], the Commercial Court held that relief under section 68 is appropriate only where the tribunal's conduct went so far removed from what could reasonably be expected of the arbitral process that justice calls out for it to be corrected. Of 112 section 68 challenges brought between 2015 and March 2018, only one succeeded.[49]

The United Kingdom's post-pandemic law reform confirms this reading of its own experience. The Law Commission reviewed the Arbitration Act 1996 between 2021 and 2023 and, in its September 2023 final report, concluded that root-and-branch reform was unnecessary.[50] The resulting Arbitration Act 2025, in force since 1 August 2025, made targeted changes to matters such as the law governing arbitration agreements, summary disposal of unmeritorious claims and arbitrator immunity, but did not add any dedicated provision on virtual or remote hearings.[51] The clear implication is that the United Kingdom judged its existing discretion-based framework to have already passed the pandemic stress test without needing amendment on this particular point.

[48]Terna Bahrain Holding Co v Ali Marzook Ali Bin Kamil Al Shamsi [2012] EWHC 3283 (Comm) [85].
[49]Virtual Arbitral Hearings, COVID-19, and Award Enforcement (n 4).
[50]Morgan Lewis, 'Modernisation by Refinement: UK Arbitration Act 2025 Receives Royal Assent' (Morgan Lewis, 7 March 2025) accessed 15 July 2026.
[51]Baker Botts LLP, 'The Arbitration Act 2025: A Welcome Fine-Tuning of England's Arbitration Law' (Baker Botts, March 2025) accessed 15 July 2026.

5.3 South Africa

South Africa's arbitration framework rests on the International Arbitration Act 2017, which incorporates the UNCITRAL Model Law and aligns the country with global best practice.[52] Rather than amend that Act, South Africa's response to the pandemic came through its principal arbitral institution, the Arbitration Foundation of Southern Africa, which developed a dedicated Remote Hearing Protocol addressing the practical and technological issues created by COVID-19.[53]

The Protocol did more than simply permit virtual hearings; it set out the online etiquette and practical hearing arrangements needed to conduct them smoothly, giving parties and tribunals a common reference point rather than leaving each tribunal to improvise its own approach from first principles.[54] The Association of Arbitrators of Southern Africa issued complementary guidance of its own, reinforcing the same approach.[55] The pandemic also accelerated the digitisation of South Africa's courts, which mattered because arbitration frequently still requires recourse to a supervising court, for interim relief or for enforcement, so a court system that had also modernised its own hearing practices removed a potential bottleneck that might otherwise have undermined the benefit of a smoothly run virtual arbitration.

[52]Arbitration Foundation of Southern Africa, 'International Arbitration Training' (AFSA, arbitration.co.za, 18 December 2025) accessed 15 July 2026.
[53]Chambers and Partners, 'International Arbitration 2021: South Africa' (Chambers and Partners Global Practice Guide, 17 August 2021) accessed 15 July 2026.
[54]Africa rising (n 10).
[55]Chambers and Partners, 'International Arbitration 2022: South Africa' (Chambers and Partners Global Practice Guide, 16 August 2022) accessed 15 July 2026.

5.4 Uganda

Uganda's Arbitration and Conciliation Act shares the same broad Model Law heritage as Nigeria's former 1988 Act, giving tribunals general discretion over hearings, evidence and procedure.[56] On paper, then, Uganda's tribunals had much the same legal room to shift to virtual hearings as their Nigerian and South African counterparts. In practice, the outcome was markedly different.

A full lockdown in Uganda meant that merits hearings already scheduled were suspended in cases where parties were unable to access suitable technology quickly enough, and disputes over access to evidence and key witnesses continued well beyond the initial disruption.[57] The negative economic impact of the pandemic compounded the problem: parties increasingly could not afford international arbitration at all and turned instead to mediation, conciliation and negotiated settlement, which succeeded in many cases but represented a retreat from arbitration rather than an adaptation of it.[58]

Uganda's institutional landscape was also comparatively thin. The Centre for Arbitration and Dispute Resolution, established under the Arbitration and Conciliation Act, had by the mid-2020s seen a declining role, and Parliament's Arbitration and Conciliation (Amendment) Act 2024 ultimately abolished it as an independent corporate body, re-establishing its functions inside the Ministry of Justice and Constitutional Affairs.[59] A newer institution, the International Centre for Arbitration and Mediation in Kampala,

[56]Arbitration and Conciliation Act (Uganda) Cap 5.
[57]International Arbitration 2022: Uganda (n 11).
[58]ibid.
[59]Kluwer Arbitration Blog, 'How Did Uganda Miss the Boat in the Latest Arbitration Law Reform?' (Kluwer Arbitration Blog, 12 May 2025) accessed 15 July 2026.

established in 2018 and recognised as an appointing authority in 2020, has begun to fill the gap, but Uganda's own commentators describe an arbitration culture that has not yet come of age even by regional standards.[60]

A sceptic might object that Uganda's difficulties say more about general infrastructural weakness than about arbitration law specifically, and there is force in that observation. But that is precisely the point this paper draws from the comparison: a legal framework granting tribunals procedural discretion, as Uganda's Act does, only produces a resilient system if the institutions applying it and the parties appearing before it also have the practical capacity to use that discretion. Law on the books and law in action are not the same thing, and the Ugandan experience shows what happens when the gap between them is wide.

5.5 Comparative Deductions

Set side by side, these four jurisdictions share more legal common ground than their outcomes suggest. Nigeria's 1988 Act, Uganda's Act, and South Africa's 2017 Act all descend from the same UNCITRAL Model Law tradition, and even the United Kingdom's 1996 Act, though not itself a direct adoption of the Model Law, gives tribunals a comparably wide procedural discretion. In principle, all four legal frameworks permitted a shift to virtual hearings without needing amendment.

What differed was not the law but two other variables: institutional readiness and party-level access to technology. The United Kingdom and South Africa both had a well-resourced arbitral institution, the London Court of International Arbitration and the Arbitration

[60] International Arbitration 2022: Uganda (n 11); How Did Uganda Miss the Boat in the Latest Arbitration Law Reform? (n 39).

Foundation of Southern Africa respectively, able to issue clear guidance within weeks of the disruption beginning. Nigeria had no equivalent dedicated protocol during the pandemic itself, relying instead on ad hoc practitioner adaptation.[61] Uganda had comparatively weak institutional capacity to begin with, and it was precisely that weakness, rather than any deficiency in the Arbitration and Conciliation Act's text, that produced its more difficult pandemic experience.

This is the central comparative finding of the paper: legal flexibility is a necessary condition for a resilient arbitration system under crisis conditions, but it is not a sufficient one. A tribunal's discretion to order a virtual hearing is only useful if an institution exists to give practical guidance on how to exercise it fairly, and if the parties before that tribunal actually have the technology and connectivity to participate on equal terms. Nigeria's position during the pandemic sat between the two ends of this spectrum: better resourced than Uganda, but without the dedicated institutional protocol that gave the United Kingdom and South Africa an advantage Nigeria lacked at the time.

6.0 CHALLENGES

The comparative analysis above surfaces five specific challenges that Section 6's recommendations are built to answer directly:

i. Nigeria had no dedicated institutional protocol for remote hearings during the pandemic itself, unlike the United Kingdom and South Africa;
ii. The general procedural discretion Nigerian tribunals relied on was not matched by any documented, tribunal-issued fairness safeguard specific to virtual proceedings;

[61] Aina (n 24).

iii. Nigeria's statutory recognition of electronic communication and remote hearings arrived only in 2023, after the disruption it was meant to address had already passed;
iv. Technology and connectivity gaps, starkly illustrated by Uganda's experience, can defeat even a legally sound framework for virtual hearings; and
v. Nigeria's institutional response during the pandemic was not visibly coordinated with the wider international and continental guidance discussed in Section 3.

7.0 DUE PROCESS AND ENFORCEABILITY CHALLENGES OF VIRTUAL ARBITRATION

The shift to virtual hearings was not merely a logistical convenience; it created a genuine question of legal risk. Article V(1)(b) of the New York Convention allows a court to refuse recognition or enforcement of an award where the party against whom it is invoked was otherwise unable to present its case.[62] A losing party with an incentive to resist enforcement has an obvious argument available: that a hearing conducted by videoconference, with witnesses testifying from home, technology occasionally failing, and no shared physical room in which to assess credibility, denied it a fair opportunity to present its case.

The argument deserves to be taken seriously rather than dismissed outright, and testing it is a useful demonstration of how this paper's analytical approach works in practice. The claim (point): virtual hearings inherently risk breaching a party's due process rights. The evidence for that claim: institutional rules themselves acknowledge the tribunal's overriding duty to ensure a fair hearing regardless of format[63], which would be an odd thing to keep emphasising if the

[62] New York Convention (n 8), art V(1)(b).
[63] LCIA Rules 2020 (n 13), art 14.4(i); ICC Rules 2021 (n 20), art 22(4).

format itself carried no risk. However, the analysis does not stop there (this is the step that actually matters): the comprehensive seventy-eight-jurisdiction study referenced in Section 3 found no jurisdiction whose arbitration law grants an express right to a physical hearing[64], and the English courts' extremely narrow reading of what counts as a serious procedural irregularity[65] suggests that courts are, in practice, reluctant to accept a bare assertion that virtual proceedings were inherently unfair. The consequence is that the due process risk is real, but it is a manageable one, and it becomes concrete only where a tribunal fails to actively address access, technology and confidentiality issues rather than treating the change of format as a purely administrative matter.

This is why the practical guidance issued by institutions such as the Chartered Institute of Arbitrators and the Africa Arbitration Academy matters as much as the underlying legal permission to hold a hearing virtually. Their guidance addresses precisely the practical questions on which a due process challenge would actually turn: whether all participants can access reliable technology, how time-zone differences are accommodated, and how confidentiality and data protection are safeguarded during an electronic hearing.[66] A tribunal that follows this kind of guidance, and records that it has done so, builds a much stronger defence against a later Article V(1)(b) challenge than one that simply assumes a video call is procedurally equivalent to an in-person hearing without turning its mind to the difference.

The Ugandan experience discussed in Section 4.4 supplies the clearest illustration of where this risk becomes real rather than theoretical. Where a party genuinely lacked access to the technology needed to

[64]Will Virtual Hearings Remain (n 22).
[65]Terna Bahrain (n 28).
[66]Institutional Responses to COVID-19 Pandemic (n 2).

participate, and a tribunal proceeded regardless, the due process objection stops being a technical argument raised for tactical advantage and becomes a substantive one. The lesson for Nigeria is that the legal question is less about whether virtual hearings are permissible in principle, since the comparative evidence in this paper suggests they clearly are, and more about whether Nigerian tribunals and institutions build the same kind of active, documented fairness safeguards that the United Kingdom's and South Africa's experience shows are what actually protects an award from later challenge.

8.0 SUMMARY OF FINDINGS

This paper has examined five questions concerning the adaptation of international commercial arbitration to the COVID-19 pandemic, using Nigeria's experience as the primary case study against the United Kingdom, South Africa and Uganda.

At the International level, leading arbitral institutions responded quickly and cooperatively, issuing a joint statement in April 2020 and, over the following year, amending their rules to expressly recognise virtual hearings, though this codified a discretion many institutions already possessed rather than creating an entirely new power.

On the national comparison, Nigeria's arbitration law during the pandemic itself, the Arbitration and Conciliation Act 1988, contained no express provision for electronic communication or remote hearings. Practitioners adapted through general procedural discretion and improvisation rather than clear statutory footing, a gap only closed by the Arbitration and Mediation Act 2023 after the acute phase of the pandemic had passed. The United Kingdom's mature, discretion-based framework absorbed the shift without needing amendment, South Africa's newer statute was reinforced by a dedicated institutional protocol, and Uganda, despite sharing Nigeria's general Model Law heritage, struggled where institutional capacity and party-level technology access were weakest.

On due process, the shift to virtual hearings created a genuine but generally manageable risk of challenge under Article V(1)(b) of the New York Convention, a risk that becomes substantive rather than theoretical specifically where a tribunal fails to actively manage technology access and fairness rather than treating the change of format as a purely administrative matter.

The comparative experience of the United Kingdom and South Africa demonstrates the value of either a sufficiently flexible statute or a well-resourced institution capable of issuing clear guidance quickly, while Uganda's experience demonstrates that legal flexibility alone cannot substitute for institutional and infrastructural readiness.

On reform, Nigeria's Arbitration and Mediation Act 2023 has since supplied clearer statutory recognition of electronic communication and technology-assisted hearings, but further institutional measures, rather than further legislation, are what would most directly address the gaps this paper's comparative analysis exposed.

6.2 RECOMMENDATIONS

The five recommendations below are informed by the comparative experience of the United Kingdom, South Africa and Uganda, and follow the same order as the challenges set out in Section 4.6.

i. Nigerian arbitral institutions, led by the Lagos Court of Arbitration and the Chartered Institute of Arbitrators, Nigeria Branch, should issue a dedicated remote-hearing protocol modelled on the Arbitration Foundation of Southern Africa's Remote Hearing Protocol, so that the next disruption is met with existing institutional guidance rather than ad hoc improvisation.

ii. Tribunals seated in Nigeria should be encouraged, through institutional rules or professional guidance, to issue a documented cyber-protocol at the outset of any wholly or partly virtual hearing, addressing technology access, confidentiality and contingency arrangements, since this is precisely the documented fairness process that has protected awards from due process challenges in other jurisdictions.

iii. The provisions of the Arbitration and Mediation Act 2023 recognising electronic communication and technology-assisted hearings should be given practical effect through implementing guidance from the Nigerian judiciary, clarifying in advance how courts will treat a challenge to an award made in a virtual proceeding, rather than leaving that question to be litigated for the first time during the next crisis.

iv. Nigerian policymakers and institutions should invest specifically in the technological capacity of arbitration users and smaller practitioners, treating Uganda's experience as a cautionary illustration of what happens when legal permission for virtual hearings outruns practical access to the tools needed to use it.

v. Nigerian arbitral institutions should formally align their emergency procedures with the guidance issued by the Africa Arbitration Academy and comparable continental bodies, so that Nigeria's response to a future disruption is coordinated with, rather than separate from, the wider international institutional response documented in Section 3 of this paper.

vi. Second, it isolates institutional readiness and party-level technological access as variables distinct from the underlying arbitration law itself, a distinction that matters precisely because Nigeria, the United Kingdom, South Africa and

Uganda largely share the same UNCITRAL Model Law heritage yet produced different outcomes; the existing COVID-arbitration literature, which tends to focus on rule amendments and due process doctrine in isolation, does not draw this distinction out. Taken together, these two contributions directly answer the gap identified at the end of Section 2.6.

CONCLUSION

The COVID-19 pandemic tested whether international commercial arbitration's traditional flexibility was real or merely theoretical, and the comparative evidence in this paper suggests it was substantially real: none of the four jurisdictions examined needed to suspend arbitration altogether, and international institutions adapted within weeks rather than years. What the pandemic exposed was not a defect in arbitration's legal architecture but an unevenness in the institutional and infrastructural scaffolding built around that architecture. Nigeria's law has since caught up with what its practitioners were already doing by necessity. Whether Nigeria's institutions and infrastructure catch up in the same way, before rather than during the next disruption, is the question this paper leaves for policymakers to answer.

This paper contributes to existing scholarship in two specific ways that the literature reviewed in Section 2(6) does not yet supply. First, it evaluates Nigeria's pandemic-era arbitration experience against a deliberately chosen comparative set, an established global seat, a regional African peer, and a less-resourced comparator, rather than measuring it against an undifferentiated notion of international best practice or engaging with the Arbitration and Mediation Act 2023 only as a completed reform, which is where the existing Nigeria-specific literature stops.