

Nigeria's Arbitration and Mediation Act 2023: Implications for Dispute Resolution in PPPS Road Infrastructure Projects in Nigeria – A Systematic Review

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ABSTRACT

Public-Private Partnerships (PPPs) have become critical mechanisms for addressing Nigeria's infrastructure deficit, yet the complex nature of road PPPs makes them prone to disputes that undermine project viability. Nigeria enacted the Arbitration and Mediation Act 2023 (AMA 2023) in May 2023, establishing a modern unified framework for arbitration and mediation, but its implications for road infrastructure PPP disputes remain underexplored. This paper systematically reviews literature to examine the implications of the AMA 2023 for dispute resolution in road infrastructure PPP projects, focusing on key provisions, current dispute resolution mechanisms, contextual factors influencing effectiveness, and implementation gaps between legal reform and practice. A systematic literature review following PRISMA guidelines was conducted across six databases (Scopus, Web of Science, Google Scholar, HeinOnline, AJOL, and ICRC publications) for sources published between January 2000 and February 2025. After screening 412 initial records, 87 sources were included for final synthesis, using thematic analysis guided by Braun and Clarke's six-phase framework. The AMA 2023 introduces significant innovations, including mandatory stay of court proceedings, electronic arbitration agreements, third-party funding, emergency arbitration, joinder and consolidation provisions, and statutory mediation with enforceable settlement agreements. However, the review identifies persistent implementation gaps associated with weak institutional capacity, political instability, land acquisition conflicts, economic volatility, corruption, and fragmented regulatory frameworks. The Lagos-Ibadan Expressway concession illustrates how inadequately addressed social and political risks can undermine project sustainability. The review concludes that legal reform alone cannot ensure effective dispute resolution. Realising the AMA 2023's potential requires PPP-specific dispute protocols, public-sector capacity building, integration of AMA provisions into standard contracts, dispute prevention mechanisms, and ethical guidance for emerging provisions. The study highlights the need to align formal legal reform with the institutional and relational realities of Nigerian road PPPs.

Keywords: Arbitration and Mediation Act 2023, Public-Private Partnerships, Dispute resolution, Road infrastructure, systematic review.

INTRODUCTION

Public-Private Partnerships (PPPs) have become a critical mechanism for addressing Nigeria's infrastructure deficit, particularly in the road sector, where over 60% of the federal network is in poor condition (African Development Bank, 2010; Itu & Kenigua, 2021). With estimated infrastructure financing requirements exceeding \$3 trillion over three decades, PPPs offer a mechanism to leverage private capital and efficiency (National Planning Commission, 2020). However, the long-term, complex nature of road PPPs makes them prone to disputes that can undermine project viability (Yescombe, 2018; Osei-Kyei & Chan, 2017).

Effective dispute resolution frameworks are therefore essential. In May 2023, Nigeria enacted the Arbitration and Mediation Act 2023 (AMA 2023), repealing the Arbitration and Conciliation Act Cap A18 (2004) and establishing a modern unified framework for arbitration and mediation (Patreli Partners, 2023; Keating

Chambers, 2025). While the Act is welcomed as aligning Nigeria with global best practices, its specific implications for road infrastructure PPP disputes remain underexplored.

This paper systematically reviews literature to address: What are the implications of Nigeria's AMA 2023 for dispute resolution in road infrastructure PPP projects? It examines: (1) key AMA 2023 provisions relevant to PPP disputes; (2) dispute resolution mechanisms currently operating in Nigerian road PPPs; (3) contextual factors influencing dispute resolution effectiveness; and (4) implementation gaps between legal reform and practice.

THEORETICAL FRAMEWORK

This study is grounded in two complementary theoretical perspectives that together provide a comprehensive lens for examining the implications of the AMA 2023 for dispute resolution in Nigerian road infrastructure PPPs.

Institutional theory

Institutional Theory (North, 1990; Scott, 2014) provides the primary theoretical foundation for this review. The theory posits that institutions, understood as the formal rules, informal norms, and enforcement mechanisms that structure social, political, and economic interactions, fundamentally shape organisational behaviour and outcomes. Institutions create the "rules of the game" (North, 1990, p. 3) that constrain and enable actors, influencing how they respond to legal reforms, engage in contracting, and resolve disputes.

From this perspective, the AMA 2023 represents a formal institutional change, a deliberate modification of Nigeria's legal framework for dispute resolution. However, Institutional Theory emphasises that formal rule changes alone do not guarantee behavioural change or improved outcomes. The effectiveness of new formal institutions depends critically on three interconnected factors:

First, complementary informal institutions, shared norms, trust, professional culture, and customary practices, must align with and support formal rules (Helmke & Levitsky, 2004). In the Nigerian PPP context, this means that even if the AMA 2023 provides sophisticated legal mechanisms, their effectiveness depends on whether public and private sector actors have developed norms of good-faith negotiation, trust in arbitral processes, and professional cultures that embrace alternative dispute resolution. As Ahatty et al. (2021) and Oyeyoade et al. (2024) document, power asymmetries and limited trust often undermine good-faith engagement, suggesting potential misalignment between formal provisions and informal practices.

Second, institutional capacity, the expertise, resources, and organisational structures needed to implement and enforce formal rules, is essential for effective institutional functioning (Andrews, 2013). The literature reviewed in this paper consistently identifies capacity deficits within Nigerian Ministries, Departments and Agencies (MDAs) as a primary barrier to effective PPP implementation (Babatunde et al., 2015; Fadeyi et al., 2018; Uwem & Abubakar, 2013). This theoretical lens thus directs attention to whether the AMA 2023's sophisticated mechanisms, emergency arbitration, third-party funding, joinder and consolidation, can be effectively utilised given existing capacity constraints.

Third, enforcement mechanisms must be credible and effective for institutions to shape behaviour (North, 1990). In dispute resolution, this translates to questions about judicial support for arbitration, enforceability of arbitral awards, and the perceived independence of dispute resolution bodies. Sanni and Adebisi (2017) and Siyaidon (2022) raise concerns about judicial capacity and perceived independence in Nigeria, which Institutional Theory would identify as a critical mediating factor in the AMA 2023's effectiveness.

Institutional Theory is particularly appropriate for this review because it explains why the AMA 2023, despite being a progressive legal reform, may not automatically translate into improved dispute resolution outcomes. By focusing on the interaction between formal legal change and the institutional environment in which it

operates, this theoretical lens enables a critical examination of implementation gaps that purely doctrinal legal analysis would overlook.

Relational contract theory

Relational Contract Theory (Macneil, 1980; Campbell, 2001) provides a complementary theoretical perspective that illuminates the distinctive nature of dispute resolution in long-term PPP arrangements. Unlike classical contract theory, which views contracts as discrete, one-off exchanges governed by complete specifications and legal enforcement, Relational Contract Theory recognises that many commercial relationships, particularly infrastructure PPPs with durations of 20-30 years, are inherently incomplete and relational.

Macneil (1980) argues that long-term contracts are characterised by four key features relevant to dispute resolution:

First, contractual incompleteness, it is impossible to specify all future contingencies in complex, long-term infrastructure projects. This means that disputes inevitably arise from unforeseen circumstances, and the contract itself cannot provide complete answers. Second, relationship preservation, the ongoing nature of PPP relationships means that the parties have continuing interests in maintaining a functional working relationship, even when disputes occur. Third, norms of solidarity and reciprocity, successful long-term relationships depend on trust, information-sharing, and collaborative problem-solving rather than purely adversarial, rights-based enforcement. Fourth, flexible governance, dispute resolution mechanisms that allow for adaptation and mutual adjustment are more appropriate than rigid, win-lose adjudication.

From this theoretical perspective, the AMA 2023's recognition of statutory mediation (Sections 67-89) as a standalone mechanism with enforceable settlement agreements takes on particular significance. Relational Contract Theory explains why mediation, a non-adversarial, interest-based process focused on preserving relationships, is theoretically superior to arbitration or litigation for resolving disputes in long-term PPP arrangements (Harisankar & Sreeparvathy, 2004; Osei-Kyei & Chan, 2021). The theory also suggests that dispute prevention mechanisms, early warning systems, dispute review boards, collaborative contracting, may be more valuable than reactive dispute resolution (Harmon, 2003), as they address problems before they escalate into relationship-damaging conflicts.

However, Relational Contract Theory also highlights potential tensions. While PPPs are relational contracts, the public procurement context introduces accountability requirements that may privilege formal, rule-based procedures over flexible relational governance. This creates a theoretical tension that the review examines: how do Nigerian PPP stakeholders navigate the competing demands of relational dispute resolution and public accountability?

Theoretical integration

The integration of Institutional Theory and Relational Contract Theory provides a comprehensive analytical framework for this review. Institutional Theory explains the macro-level dynamics of legal reform, how formal rule changes interact with institutional capacity, informal norms, and enforcement mechanisms to shape outcomes. Relational Contract Theory explains the micro-level dynamics of PPP relationships, why dispute resolution mechanisms must address not only legal rights but also ongoing relational interests.

Together, these theories generate the following analytical propositions that guide the literature review:

1. The AMA 2023's effectiveness will be mediated by institutional capacity, informal norms, and enforcement credibility (Institutional Theory).
2. Dispute resolution mechanisms that preserve relationships (mediation) may be theoretically superior for PPPs, but their utilisation depends on institutional support and stakeholder confidence (Relational Contract Theory).

3. Implementation gaps between legal reform and practice reflect the interaction between formal institutional change and the existing institutional environment (Integrated Perspective).
4. Dispute prevention may be more valuable than reactive resolution, as it addresses the relational and institutional factors that generate disputes (Integrated Perspective).

Contribution to knowledge

This study makes three contributions to the existing body of knowledge. First, it is the first systematic synthesis of literature examining the intersection of the AMA 2023 and road infrastructure PPP disputes, integrating doctrinal legal analysis with implementation evidence to move beyond purely formal evaluation of the Act's provisions. Second, it extends Institutional Theory by identifying specific institutional barriers, capacity deficits, regulatory fragmentation, political instability, corruption, that mediate legal reform effectiveness in developing country PPP contexts, providing a framework applicable to other jurisdictions undertaking similar arbitration reforms. Third, it extends Relational Contract Theory by examining how public accountability requirements and power asymmetries in PPP contexts create tensions with relational governance norms, contributing to theoretical understanding of dispute resolution in public-private hybrid relationships.

METHODOLOGY

This systematic review followed the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) 2020 guidelines (Page et al., 2021).

Search strategy

A comprehensive search was conducted across six databases: Scopus, Web of Science, Google Scholar, HeinOnline, African Journals Online (AJOL), and ICRC publications. These databases were selected to ensure comprehensive coverage of legal (HeinOnline), construction management (Scopus, Web of Science), African-focused (AJOL), and policy (ICRC) literature. Google Scholar was included to capture grey literature and non-indexed sources. No subject-area restrictions were applied to ensure interdisciplinary coverage given the intersection of legal reform, infrastructure policy, and project management.

Search strings combined Boolean operators (AND/OR) with the following terms: "Nigeria" AND "Public-Private Partnership" OR "PPP" AND "road" OR "infrastructure" AND "dispute resolution" OR "arbitration" OR "mediation" AND "Arbitration and Mediation Act 2023". Search strategies were adapted for each database based on their respective syntax and subject headings. Truncation was used where appropriate (e.g., "arbitrat*" to capture arbitration, arbitrate, arbitrator).

The search was limited to sources published between January 2000 and February 2025, covering the period from the establishment of Nigeria's early PPP policy foundations to the enactment of the AMA 2023. Only English-language sources were included.

In addition to database searches, hand-searching of reference lists of included articles and key journals (Journal of Construction Engineering and Management, International Journal of Project Management, Nigerian Journal of Construction Management) was conducted to identify additional relevant sources. Grey literature was sought through the ICRC website, World Bank PPP Knowledge Lab, Nigerian government publications, and legal practitioner websites. All searches were conducted by the lead author between January and February 2025.

Inclusion and exclusion criteria

Sources were included if they met the following criteria: (a) published in English; (b) focused on Nigeria or provided directly relevant comparative insights for developing country PPP contexts; (c) addressed PPPs, infrastructure development, dispute resolution, arbitration, mediation, or the AMA 2023; (d) were peer-

reviewed articles, policy documents, legal analyses, or book chapters of high quality; and (e) were published between 2000 and 2025.

Sources were excluded if they: (a) did not address Nigeria or provide relevant comparative insights; (b) did not address dispute resolution, PPPs, or the AMA 2023; (c) were opinion pieces without substantive analysis; (d) lacked methodological rigour or theoretical grounding; or (e) duplicated findings already captured in higher-quality sources.

Study selection and screening

The screening process followed the PRISMA flow diagram (Figure 1). Initial database searches identified 412 records. After removing duplicates ($n=78$), 334 records were screened by title and abstract.

Title and abstract screening was conducted independently by two reviewers (Victor and Omoniwa) using Rayyan software for duplicate management and blinding. Each record was assessed for relevance to the research question based on the inclusion criteria. Records that did not address Nigeria, PPPs, dispute resolution, or the AMA 2023 were excluded ($n=187$), leaving 147 records for full-text assessment.

Full-text screening was conducted independently by the same two reviewers. Disagreements were resolved through discussion or, where consensus could not be reached, by consultation with the third reviewer (Ogunsina). Inter-rater agreement was 94% at title/abstract screening and 89% at full-text screening.

During full-text assessment, 60 articles were excluded for the following reasons: insufficient Nigeria focus ($n=23$); no dispute resolution relevance ($n=19$); low quality or insufficient methodological rigour ($n=18$). A complete list of excluded sources with reasons for exclusion is provided as supplementary material (Appendix A). The final sample comprised 87 sources (68 peer-reviewed articles, 12 policy/legal documents, and 7 book chapters).

Quality appraisal and risk of bias assessment

Quality appraisal of included sources was conducted using the Joanna Briggs Institute Critical Appraisal Checklist for systematic reviews and the AACODS checklist (Authority, Accuracy, Coverage, Objectivity, Date, Significance) for grey literature and policy documents. Two reviewers independently assessed each source; disagreements were resolved through consensus discussion.

Studies were rated as high, moderate, or low quality based on methodological rigour, relevance to the research question, theoretical grounding, and the validity of conclusions drawn relative to the evidence presented. Sources rated as low quality were excluded from the review ($n=18$). Inter-rater reliability (Cohen's Kappa) was 0.82, indicating strong agreement.

Potential publication bias was addressed by including grey literature (policy documents, ICRC publications, legal analyses) alongside peer-reviewed articles. However, we acknowledge that the review may be subject to some publication bias, as negative findings on dispute resolution effectiveness may be under-represented in peer-reviewed literature. This is acknowledged as a limitation of the review.

Data extraction

Data were independently extracted by the research team using a standardised extraction sheet developed specifically for this review. The extraction sheet captured: author(s), year of publication, publication type, research focus, methodology, key findings, identified gaps, and relevance to the AMA 2023 and PPP dispute resolution.

Data extraction was conducted by two reviewers (Victor and Omoniwa) with verification by the third reviewer (Ogunsina). Any discrepancies were resolved through discussion.

Data synthesis and analysis

Thematic analysis was conducted following Braun and Clarke's (2006) six-phase approach: (1) familiarisation with the data through repeated reading; (2) generating initial codes from the data; (3) searching for themes by grouping codes; (4) reviewing themes to ensure coherence and distinctness; (5) defining and naming themes; and (6) producing the report.

A hybrid deductive-inductive approach was adopted. Initial codes were derived from the theoretical framework (Institutional Theory and Relational Contract Theory), while inductive codes emerged from the data. Coding was conducted using NVivo 14 software. Two researchers coded a 20% sample of sources independently to establish coding consistency; inter-coder reliability (Cohen's Kappa) was 0.85. Theme saturation was achieved by the 75th source, with no new themes emerging in the remaining 12 sources.

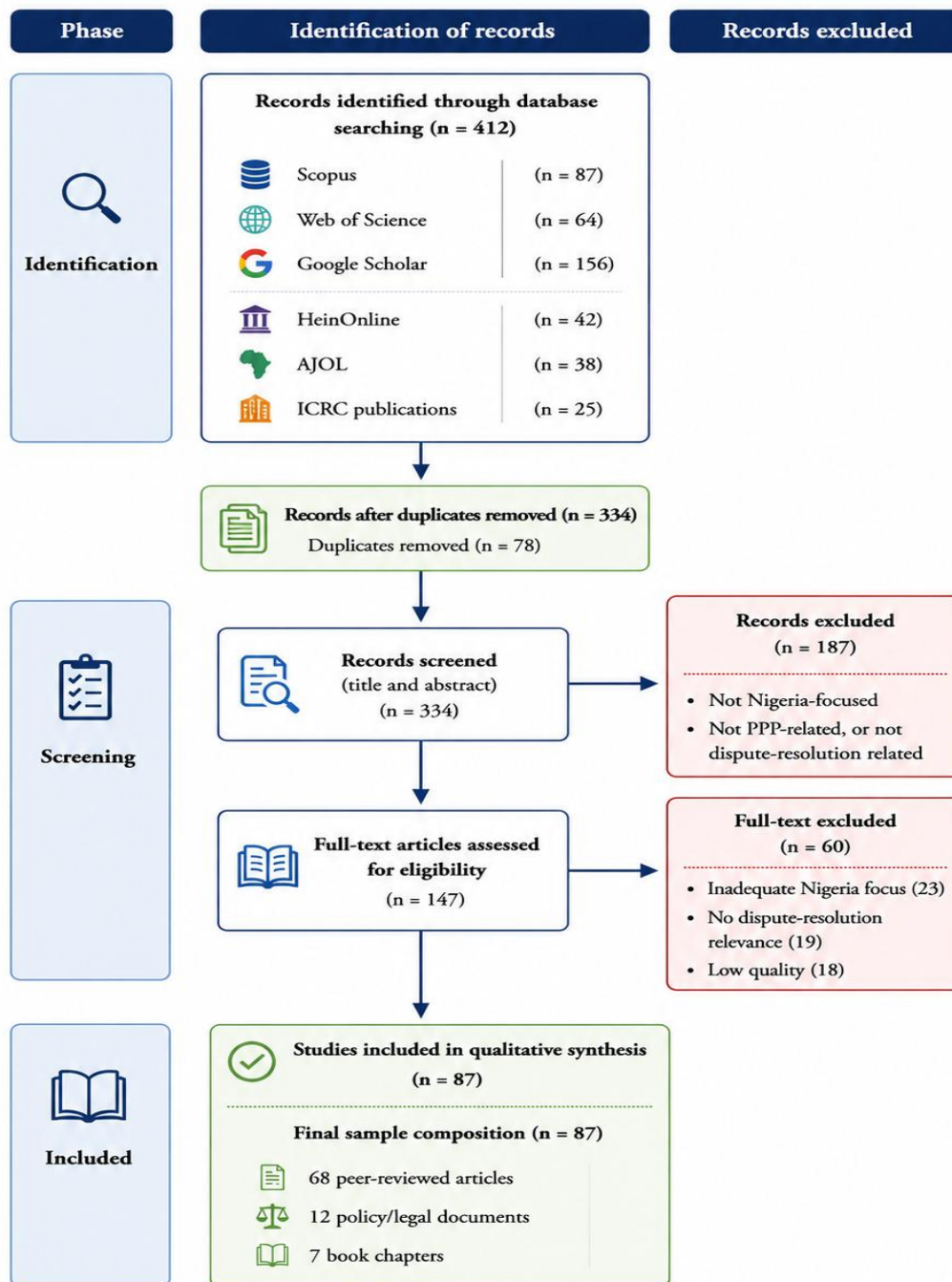
Characteristics of included studies

Table 1: Characteristics of the 87 included sources.

Characteristic	Category	Number (n=87)	Percentage
Publication Type	Peer-reviewed articles	68	78.20%
	Policy/legal documents	12	13.80%
	Book chapters	7	8.00%
Publication Year	2000-2009	12	13.80%
	2010-2019	41	47.10%
	2020-2025	34	39.10%
Research Focus	PPP implementation	29	33.30%
	Dispute resolution	24	27.60%
	AMA 2023/arbitration law	18	20.70%
	Contextual factors	16	18.40%
Methodology	Legal/doctrinal analysis	28	32.20%
	Qualitative empirical	22	25.30%
	Quantitative empirical	15	17.20%
	Mixed methods	10	11.50%
	Review/conceptual	12	13.80%

Figure 1

PRISMA flow diagram of study selection and screening



Note. PRISMA = Preferred Reporting Items for Systematic Reviews and Meta-Analyses;
AJOL = African Journals Online; ICRC = Infrastructure Concession Regulatory Commission; PPP = Public–Private Partnership.

Figure 1: Flow Diagram for PRISMA

FINDINGS

PPP dispute resolution in Nigeria: pre-AMA 2023 landscape

Evolution of Nigerian PPP framework

Nigeria's PPP journey progressed through distinct phases: pre-1999 ad-hoc arrangements with minimal legal scaffolding; 1999-2005 policy foundations under Obasanjo administration; 2005-2020 institutionalisation with

ICRC Act (2005) establishing Infrastructure Concession Regulatory Commission; and 2020-present consolidation efforts (Itu & Kenigua, 2021; ICRC, 2012). Despite robust policy frameworks, implementation gaps persist, including capacity deficits in Ministries, Departments and Agencies (MDAs) and fragmented federal-state regulatory landscapes (Babatunde, Opawole & Akinsiku, 2012; Opawole et al., 2020).

Dispute resolution mechanisms in road PPP contracts

PPP contracts typically stipulate tiered processes: negotiation/mutual consultation, followed by mediation/conciliation, culminating in arbitration/litigation (Ahatty et al., 2021; World Bank PPP Knowledge Lab, 2025). However, Ahatty et al. (2021) note that "actual practice often lacks consistent implementation and documentation, making objective assessment difficult." Negotiation is most commonly stipulated and valued for relationship-preservation, though power asymmetries between public and private partners often undermine good-faith engagement (Oyeyoade, Ayorinde & Oyewole, 2024). Arbitration is preferred over litigation for confidentiality, flexibility, and technical expertise, but enforcement requires recourse to national courts where delays and perceived lack of independence remain concerns (Sanni & Adebisi, 2017; Siyaidon, 2022).

Effectiveness in practice

Evidence presents mixed outcomes. International experience shows negotiation as most cost-effective when conducted sincerely, while arbitration serves as effective final step (World Bank, 2025; IJPREMS, 2025). However, Musenero et al. (2023) found mechanism effectiveness undermined by poor role definition. Sinha and Jha (2020), analyzing Indian road PPPs (comparable developing context), found arbitration and litigation often expensive, time-consuming, and damaging to relationships, advocating proactive dispute management over reactive resolution.

The Arbitration and Mediation Act 2023: key provisions

Mandatory stay of court proceedings

In scenarios when a legal arbitration agreement exists, Section 5 requires the courts submit problems to arbitration and halt proceedings unless the agreement is null and void, ineffective or incapable of being carried out. (Keating Chambers, 2025). This addresses previous discretionary provisions causing litigation delays (Mondaq, 2025), enhancing predictability and discouraging forum shopping in PPP disputes.

Electronic arbitration agreements

Section 2(4) recognizes arbitration agreements in electronic communications accessible for future reference (Mondaq, 2025; LawGlobal Hub, 2025). This ensures enforceability of arbitration clauses in digital PPP contracts, emails, and electronic signatures.

Third-party funding (TPF)

Sections 61-62 explicitly recognize TPF, abolishing maintenance and champerty doctrines, requiring disclosure of funder identity (NICArb, 2024; International Bar Association, 2025). For high-cost PPP disputes, TPF broadens access for financially constrained parties, though TPF remains nascent requiring ethical guidelines development (International Bar Association, 2025).

Interim relief and emergency arbitration

Emergency arbitration allows urgent measures applications before tribunal constitution (Mondaq, 2025). This addresses time-sensitive PPP issues like work stoppages or asset preservation where delays have significant financial implications.

Joinder and consolidation

Section 40 allows joinder of additional parties bound by arbitration agreement and consolidation of related proceedings (Mondaq, 2025). This streamlines complex multi-party PPP disputes involving consortia, lenders,

contractors, and public entities, reducing duplication and preventing inconsistent outcomes.

Award review tribunal (ART)

Optional ART allows award review on specified grounds (Keating Chambers, 2025; Mondaq, 2025). This intermediate review may reduce post-award litigation - significant where finality is valued.

Statutory mediation framework

Part II (Sections 67-89) defines mediation as standalone mechanism; settlement agreements binding and enforceable as contracts, consent awards, or consent judgments (Keating Chambers, 2025). Mediation communications are inadmissible in court/arbitration, enhancing confidentiality (Adesanya, 2025). This formalizes mediation's potential for preserving long-term PPP partnerships (Harisankar & Sreeparvathy, 2004; Osei-Kyei & Chan, 2021).

Limitation periods and immunity

Section 34 suspends limitation periods during ADR processes, preventing disputes becoming statute-barred (Berkeley Law, 2023). Sections 13 grants immunity to arbitrators and mediators acting in good faith, encouraging neutral participation (Keating Chambers, 2025).

Contextual factors shaping effectiveness

Institutional capacity and governance

Babatunde et al. (2015) identify weak institutional frameworks, overlapping mandates, and limited technical expertise as primary barriers. Fadeyi et al. (2018) note governance challenges undermining transparency. Uwem and Abubakar (2013) document MDA capacity gaps: high staff turnover, lack of commercial skills, poor contract management leading to dispute escalation.

Political instability and policy inconsistency

Government changes often lead to contract renegotiation or abandonment (Ochala, 2024; Ite, 2018). Davis et al. (2023) observes transitions causing payment delays and approval uncertainties. Okoye and Adebayo (2021) note political interference in procurement undermines process credibility.

Land acquisition and community resistance

Oluwafemi (2022) identifies right-of-way delays as frequent disruption source from unclear titles, customary-statutory disputes, and inadequate compensation. Foster and Briceno-Garmendia (2010) document community resistance causing legal disputes and stoppages. Land Use Act 1978 creates federal-state complications (Okeke, 2010).

Economic and financial volatility

Foreign exchange volatility and convertibility restrictions create disputes when forex guarantees cannot be honored (Okebukola, Abdullahi & Balogun, 2004). High inflation erodes revenue; tariff indexing becomes contentious when public authorities resist increases (Oyeyoade & Araloyin, 2019). Government creditworthiness concerns affect availability payment models (Vanguard, 2022).

Corruption and transparency

Ochala (2024) and Okoye and Adebayo (2021) document corruption, favoritism, and opaque procurement discouraging reputable investors. Davis et al. (2023) note governance weaknesses enabling contract variations and inflated costs.

Lagos-Ibadan Expressway case study

The troubled history of the Lagos-Ibadan Expressway concession offers a critical case study for understanding infrastructure PPP failures in Nigeria. Despite detailed financial provisions in the original 2009 agreement with Bi-Courtney Highway Services Limited, the failure to adequately address social and political risks, including design approval delays, unresolved right-of-way issues, and political reluctance to enforce contractual terms, led to the concession's revocation, protracted legal disputes, and eventual government intervention to restructure the project (Ibrahim et al., 2022). Babatunde et al. (2013) identify this failure of risk allocation and the politicization of concessions as one of the main obstacles to PPP infrastructure delivery in Nigeria. This experience underscores the argument that robust stakeholder engagement and genuine public consultation, including early-stage public enlightenment and continuous community involvement, are not merely ancillary activities but critical prerequisites for the long-term sustainability of such concessions (Babatunde et al., 2013).

Implementation gaps

Contract-practice gap

Ahatty et al. (2021) emphasize that contractual provisions do not guarantee consistent implementation. Okudan and Çevikbaş (2022) found ADR underutilized despite availability in developing countries. Ajaelu and Okereke (2020) found mediation rarely used in Ghana despite contractual availability, attributed to unfamiliarity and preference for familiar formal mechanisms.

Capacity constraints

International Bar Association (2025) notes TPF "still nascent...requiring ethical guidelines and practitioner awareness." NICArb (2024) calls for capacity building to ensure effective use of new provisions. Without such capacity, legal reforms may remain dormant.

Regulatory fragmentation

Opawole et al. (2020) document federal-state PPP law fragmentation creating coordination challenges. Ibrahim, Price and Dainty (2006) note jurisdictional ambiguities between ICRC Act and sector-specific legislation extending to dispute resolution.

Enforcement challenges

Siyaidon (2022) raises concerns about judicial capacity for complex PPP disputes and perceived independence. Sanni and Adebiyi (2017) acknowledge enforcement delays remain despite pro-arbitration provisions.

DISCUSSION

The AMA 2023: necessary but insufficient reform

The AMA 2023 introduces provisions directly addressing documented weaknesses in Nigeria's dispute resolution regime. Mandatory stay, emergency arbitration, TPF, joinder, consolidation, and statutory mediation respond to PPP needs and align Nigeria with international best practices.

However, literature overwhelmingly indicates legal reform alone cannot ensure effectiveness. As Babatunde et al. (2015), Fadeyi et al. (2018), and others document, institutional capacity deficits, political instability, land challenges, and governance weaknesses create barriers even sophisticated legal frameworks cannot overcome.

The mediation opportunity

Statutory mediation recognition is significant for PPPs. Literature consistently values non-adversarial mechanisms for preserving partnerships (Harisankar & Sreeparvathy, 2004; Osei-Kyei & Chan, 2021). Yet Ghanaian experience (Ajaelu & Okereke, 2020) and Nigerian findings (Ahatty et al., 2021) suggest mediation

underutilized despite availability. Realizing AMA mediation provisions requires awareness, confidence in mediators, contract integration, and willingness to engage despite power asymmetries.

Third-party funding: promise and peril

TPF democratizes access but raises concerns: funder control, conflicts of interest, ethical guidelines (NICArb, 2024; International Bar Association, 2025). PPP context adds questions about funding claims against government and transparency obligations. AMA disclosure requirements address some concerns, but practice must develop nuanced responses.

The capacity imperative

Recurring theme: capacity constraints within public institutions. Uwem and Abubakar (2013), Yang et al. (2009), and others document how weak contract management, lack of technical expertise, and high staff turnover undermine implementation and allow dispute escalation. AMA's sophisticated mechanisms require sophisticated users. Without investment in capacity building, potential will not be realized.

Dispute prevention beyond resolution

Literature increasingly emphasizes proactive approaches: dispute review boards, early warning systems, collaborative contracting, relational governance (Harmon, 2003; APMG International, 2021). Dispute prevention through social risk analysis, community consultation, fair compensation remains essential.

Implications

For Policymakers: Develop PPP-specific dispute protocols integrating AMA provisions; clarify relationship between federal AMA, ICRC Act, state PPP laws; invest in MDA capacity building; support TPF ethical guidelines; mandate stakeholder engagement in project preparation.

For Legal Practitioners: Develop specialized AMA and PPP expertise; educate clients on available mechanisms; draft clear tiered clauses; utilize joinder/consolidation provisions for multi-party disputes.

For PPP Practitioners: Integrate dispute prevention through early warning systems; document negotiations; consider mediation first-line; evaluate TPF options.

For Researchers: Conduct empirical studies on AMA provision use in PPP disputes; investigate barriers to mediation; examine TPF development; compare with other jurisdictions; develop dispute prevention frameworks tailored to Nigerian road PPPs.

CONCLUSION

This systematic review examined the implications of Nigeria's Arbitration and Mediation Act 2023 for dispute resolution in road infrastructure PPP projects. The findings reveal a central paradox: while the AMA 2023 introduces progressive provisions that align Nigeria with international best practices, mandatory stay of court proceedings, emergency arbitration, third-party funding, statutory mediation, the same institutional environment that necessitated the reform may also be its greatest obstacle. Capacity deficits, political instability, regulatory fragmentation, land acquisition conflicts, and weak enforcement mechanisms create barriers that even sophisticated legal provisions cannot overcome. We term this the "institutional paradox of legal reform": in contexts of weak institutional capacity, progressive legal reforms simultaneously represent solution and symptom, addressing formal deficiencies while remaining constrained by the informal realities they seek to transform.

The review contributes three original insights to the existing body of knowledge. First, it extends Institutional Theory by specifying how political economy factors, political instability, corruption, patronage, mediate the effectiveness of formal legal change in developing country PPP contexts. Second, it extends Relational Contract Theory by revealing tensions inherent in PPPs between relational governance norms (trust, flexibility,

solidarity) and public accountability requirements (transparency, procedural formality), tensions that complicate the adoption of mediation and other non-adversarial mechanisms. Third, it articulates the "dispute prevention imperative": the AMA 2023's effectiveness depends not only on its resolution mechanisms but also on whether it catalyses improvements in dispute prevention practices, stakeholder engagement, early warning systems, political risk analysis, and community consultation.

The Act provides the legal foundation; the task now is to build upon it through institutional strengthening, capacity development, and the integration of dispute prevention into project practice. Without such complementary investments, the AMA 2023's provisions risk remaining symbolic rather than effective, and Nigeria's road infrastructure PPPs will continue to be undermined by the disputes that have historically plagued them. The choice, and the responsibility, lies with those who implement the Act.

LIMITATIONS

This review has several limitations. First, the search was restricted to English-language sources, which may have excluded relevant French or Portuguese-language literature on comparable West and Central African PPP contexts. Second, the review is deliberately Nigeria-focused, which limits direct generalisability of findings to other jurisdictions, although comparative insights from Ghana and India were incorporated where relevant. Third, because the AMA 2023 was enacted only in May 2023, the literature base on its practical implementation remains thin; the review therefore relies substantially on legal commentary and early analysis rather than empirical evidence of the Act in operation, and conclusions regarding its effectiveness should be treated as provisional pending post-implementation studies. Fourth, quality appraisal of included sources relied on the research team's judgement rather than a standardised critical appraisal instrument, which may introduce subjectivity despite the explicit inclusion and exclusion criteria applied. Finally, as with any systematic review of a rapidly evolving legal and policy area, some very recent developments may not be captured given the February 2025 search cut-off.

Research gaps identified: empirical studies on actual AMA provision use in PPP disputes; barriers to mediation utilization; TPF development in Nigerian PPP context; comparative research with other jurisdictions; dispute prevention frameworks tailored to Nigerian road PPPs.

The AMA 2023 provides modern legal foundation for dispute resolution. Realizing its potential requires concerted effort from policymakers, practitioners, and researchers to address implementation gaps, build capacity, and embed dispute prevention into project practice.

ETHICAL CONSIDERATIONS

Ethical approval was not required because this study is a systematic review of published literature and publicly available policy, legal, and institutional documents and did not involve the collection of primary data from human participants or animals.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest.

DATA AVAILABILITY

The data underpinning this systematic review comprise information extracted from the sources included in the review. The search strategy, screening criteria, and extracted evidence are reported in the manuscript; additional extraction materials may be made available by the corresponding author upon reasonable request.

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