Artificial Intelligence Arbitration: A Comparison of the United States of America and Nigeria

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Abstract

The intricate relationship between law and technology highlights the profound impact technology has on legal systems and practices. As advancements in technology continue to reshape societies, the legal field faces new challenges and opportunities. Specifically, this relationship is exemplified in the proposed integration of Artificial Intelligence (AI) and arbitration, giving rise to Artificial Intelligence Arbitration (AIA). AI which is a disruptive technology has emerged as a transformative force in various industries, including the field of dispute resolution, with impact on the conduct of arbitral proceedings in the United States of America. This study was carried out using the doctrinal research methodology. The doctrinal research methodology is a library-based research with focus into legal doctrine and how it was created and used. This method differs from other techniques. It studies the law as a documented set of principles that can be determined and analyzed using only legal sources. This study revealed that the Federal Arbitration Act (FAA), which is the principal legislation on arbitration in America, does not make explicit and direct provisions on the use of AI in arbitration. Furthermore, the study showed that AI has certain technological tools which could be of great advantage to the conduct of arbitral proceedings. This study recommends that the FAA of the United State of America should be amended to reflect clear and express provisions on AIA in America. More so, AI assistive roles should be accommodated as a viable tool in guaranteeing the efficiency of arbitral proceedings. The study explores the concept of Artificial Intelligence Arbitration in America, examining the integration of AI technologies into arbitration processes, and the potential implications of this merger.

Keywords: Arbitration, Artificial Intelligence, Artificial Intelligence Arbitration, Disruptive, Law and Technology, Technology.

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1.1. Introduction

Technology, particularly Artificial Intelligence (AI), has the potential to revolutionize the field of dispute resolution. As AI technology continues to advance rapidly, its applications in various industries are becoming more prevalent, and the legal sector is no exception. AI arbitration refers to the utilisation of intelligent algorithms and machine learning techniques to resolve disputes between parties in a fair, efficient, and unbiased manner.[1] Artificial Intelligence Arbitration (AIA) represents a groundbreaking fusion of cutting-edge technology and traditional dispute resolution processes. As the world becomes increasingly interconnected and complex, the need for efficient and unbiased resolution of conflicts has never been greater.[2] AI arbitration harnesses the power of advanced algorithms and machine learning to streamline the arbitral process, providing parties with quicker, more cost-effective, and impartial decisions.

By leveraging the analytical capabilities and objectivity of AI, this innovative approach offers a promising avenue for transforming the landscape of dispute resolution, ensuring fairness and expediency in the face of diverse legal challenges.[3] AI arbitration involves the utilisation of AI systems to automate and streamline the arbitration process. It encompasses the entire dispute resolution lifecycle, including case analyses, evidence evaluation, decision-making, and award generation. AI algorithms are trained on vast amounts of legal data, precedents, and case laws to enhance their ability to analyze complex legal issues and make informed decisions.[4]

2.1. Law and Technology

Technology and law refer to the interaction and relationship between technological advancements and the legal framework governing their use and impact. It encompasses the examination of how technology influences the development of laws, regulations, and legal practices, as well as how the legal system responds to the challenges and opportunities presented by technology.[5] The rapid advancements in technology have brought about profound changes in nearly every aspect of our lives, including the legal sphere.

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[1] VN Enebeli and S Gilbert, 'Artificial Intelligence: Challenges and Opportunities for Arbitration in Nigeria' (2022) Rivers State University Journal of Public Law 23; W Lyngdoh, 'India: Artificial Intelligence and Arbitration' <https://www.mondaq.com/india/new-technology/1308102/artificial-intelligence-and-arbitration> accessed 15 May 2023.

[2] Legalnaija, 'Artificial Intelligence in ADR: The Changing Face of Dispute Resolution' <https://legalnaija.com/artificial-intelligence-in-adr-changing/02900951941647681314/> accessed 13 May 2023; GH Kasap, 'Can Artificial Intelligence ("AI") replace Human Arbitrators? Technological concerns and Legal Implications' [2021] *Journal of Dispute Resolution* 1.

[3] PB Marrow, M Karol and S Kuyan, 'Artificial Intelligence and Arbitration: The Computer as an Arbitrator – Are we there yet?' (2020) 74 Dispute Resolution Journal 35; tps://adric.ca/artificial-intelligence-and-arbitration-a-perfect-fit/> accessed 10 May 2023.

[4] PB Marrow, M Karol and S Kuyan (note 3) 35.

[5] 'Relationship between Law, Science, and Technology in Modern Society' <https://blog.ipleaders.in/relationship-law-science-technology-modern-society/> accessed 12 May 2023; R Whalen, 'Defining Legal Technology and it Implications' (2022) 30 *International Journal of Law and Information Technology* 47.

The intersection of law and technology has given rise to a fascinating and complex field that requires careful examination. The history of law and technology can be traced back to the advent of writing, which facilitated the development of legal codes and systems.[6] The printing press revolutionized the dissemination of legal knowledge, leading to increased access and the democratisation of law. The rise of computers and the internet in the latter half of the 20th century laid the foundation for the digital revolution in the legal field.[7] This digital transformation of the legal sector and legal process brought about efficiency, accessibility, and cost-effectiveness to legal practice. Electronic filing systems, online research databases, and e-discovery tools have streamlined legal research, case management, and document review. The emergence of legal technology startups has further catalyzed the digital transformation, introducing innovative solutions for contract management, legal research, and practice management.[8]

Through technology, access to justice is further guaranteed. Technology has the potential to address the longstanding issue of limited access to justice. The Online Dispute Resolution (ODR) option provides an alternative means of resolving disputes, making justice more accessible, affordable, and convenient. In the same vein, mobile applications and online resources offer legal information and guidance to individuals who would otherwise struggle to navigate the complex legal system. However, despite the promise of technology, there are challenges and considerations that need to be addressed.[9] In this digital age, the rapid advancement of technology has brought about significant changes in various aspects of our lives, including the legal landscape. Whereas law and technology encompass the intersection between these two domains, due consideration must be placed on the legal frameworks which governs the use, and impact technology has in/on society.[10]

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[6] Organisation for Economic Co-operation and Development, '21st Century Technologies: Promises and Perils of a Dynamic Future' <https://www.oecd.org/futures/35391210.pdf> accessed 9 May 2023; White & Case LLP, 'Law & Technology: Risks and Opportunities from the Tectonic Forces at Work' <https://www.whitecase.com/insight-our-thinking/law-technology-risks-and-opportunities-tectonic-forces-work> accessed 10 May 2023.

[7] OM Atoyebi, 'The Impact of Technology on the Nigerian Legal System' <https://omaplex.com.ng/the-impact-of-technology-on-the-nigerian-legal-system/> accessed 14 May 2023; OM Atoyebi, 'Legal Technology in Nigeria: Why Lawyers need to keep abreast of the Trends' <https://omaplex.com.ng/legal-technology-in-nigeria-and-why-lawyers-need-to-keep-abreast-of-the-trends/> accessed 16 May 2023.

[8] M McLoughlin, 'eDiscovery and the Digital Transformation of Corporate Law' <https://www.linkedin.com/pulse/ediscovery-michael-mcloughlin-> accessed 16 May 2023; Morningside, 'EDiscovery Tools for Law Firms and Corporate Legal Departments' <https://www.morningtrans.com/ediscovery-tools-for-law-firms-and-corporate-legal-departments/> accessed 21 April 2023.

[9] Emerj, 'AI in Law and Legal Practice – A Comprehensive View of 35 Current Applications' <https://emerj.com/ai-sector-overviews/ai-in-law-legal-practice-current-applications/> accessed 12 April 2023.

[10] J Crecelius, 'New Technology and its Impact on the Practice of Law' <https://www.expertinstitute.com/resources/insights/new-technology-and-its-impact-on-the-practice-of-law/> accessed 7 May 2023; IA Olubiyi, AJ Olaniyan and N Odiaka, 'The Role of Technology in the Advancement of Legal Education and Practice in Nigeria' (Nigerian Association of Law Teachers Conference, Ekiti, June 2015).

3.1. Arbitration and Artificial Intelligence

3.1.1. What is Arbitration?

Arbitration is an alternative dispute resolution mechanism that has gained significant popularity in recent years due to its efficiency, flexibility, and confidentiality. Arbitration is a widely recognized form of alternative dispute resolution that provides parties with a private and efficient means to resolve their disputes outside of traditional Court litigation. It offers numerous advantages over litigation, including flexibility, cost-effectiveness, and expertise in specialized areas.[11]

Arbitration can be defined as a consensual process in which parties submit their dispute to one or more impartial individuals, known as arbitrators, for a binding decision. It is characterized by its voluntary nature, flexibility in procedure, confidentiality, and finality of awards. Unlike litigation, arbitration allows parties to tailor the procedure to their specific needs, enabling them to choose the applicable law, arbitrators, and venue.[12] Arbitration offers various advantages, making it an attractive choice for parties seeking dispute resolution. These advantages include speed and efficiency, expertise of arbitrators, confidentiality, enforceability of awards, and cost-effectiveness. Unlike litigation, which can be time-consuming and subject to Court backlogs, arbitration offers a streamlined process with faster resolution. Additionally, parties can select arbitrators with specific expertise in the subject matter of the dispute.[13] Arbitration can be used to resolve a wide range of disputes, including commercial disputes, labour and employment conflicts, construction disagreements, international trade disputes, and consumer disputes, among others. It is commonly utilized in complex and specialized areas where expertise in a specific field is necessary to reach a fair and informed decision.[14] The arbitrator, or the arbitral tribunal composed of multiple arbitrators, acts as an independent and impartial decision-maker. They review the evidence, hear the arguments of both parties, and render a binding decision known as an arbitral award. The award is enforceable under the applicable laws and international conventions, ensuring that the parties abide by the decision reached through arbitration.[15] Arbitration offers several advantages over litigation. It tends to be more time-efficient, as the parties have greater control over the scheduling of hearings and the overall duration of the process. It is also often more cost-effective than Court litigation, as it avoids lengthy Court procedures and reduces legal fees. Moreover, arbitration provides a specialized decision-maker who possesses expertise in the subject

[11] 'Alternative Dispute Resolution Mechanisms: Arbitration and Mediation' <https://mahanakornpartners.com/alternative-dispute-resolution-mechanisms-arbitration-and-mediation/> accessed 10 April 2023.
[12] WIPO, 'What is Arbitration?' <https://www.wipo.int/amc/en/arbitration/what-is-arb.html> accessed 12 April 2023.
[13] Elite Lawyers, 'The Advantages and Disadvantages of Arbitration' <https://www.sacattorneys.com/the-advantages-and-disadvantages-of-arbitration.html> accessed 12 May 2023; Upcounsel, 'What are the Advantages and Disadvantages of Arbitration?' <https://www.upcounsel.com/what-are-the-advantages-and-disadvantages-of-arbitration> accessed 21 April 2023; WIPO, 'What is Arbitration?' <https://www.wipo.int/amc/en/arbitration/what-is-arb.html> accessed 12 April 2023.
[14] WIPO, 'What is Arbitration?' <https://www.wipo.int/amc/en/arbitration/what-is-arb.html> accessed 12 April 2023.
[15] A Akeredolu and C Umeche, 'Arbitration Procedure and Practice in Nigeria: Overview' <https://uk.practicallaw.thomsonreuters.com/1-542-4705?transitionType=Default&contextData=(sc.Default)> accessed 15 May 2023.

matter of the dispute, ensuring a well-informed resolution.[16] Confidentiality and privacy are key characteristics of arbitration. Unlike Court proceedings, which are generally open to the public, arbitration provides a private and confidential forum for resolving disputes. This confidentiality allows parties to maintain the privacy of sensitive information and protects their reputation.[17] Overall, arbitration is a widely accepted method of resolving disputes that offers flexibility, efficiency, confidentiality, and enforceability. Its voluntary nature and ability to provide a tailored process make it an attractive alternative to traditional Court litigation for parties seeking a fair and binding resolution to their conflicts.[18]

3.1.2. What is Artificial Intelligence?

Artificial Intelligence (AI) refers to the development and use of computer systems and algorithms that can perform tasks typically requiring human intelligence. AI aims to simulate human cognitive abilities, such as learning, reasoning, problem-solving, perception, and language understanding, to enable machines to interact with and respond to their environment in an intelligent manner.[19] AI systems are designed to process and analyze large amounts of data, recognize patterns, make predictions, and take actions based on the analyzed information. These systems utilize algorithms and models that learn from data and experiences to improve their performance over time. The field of AI encompasses various subfields, including machine learning, natural language processing, computer vision, robotics, expert systems, and knowledge representation.[20] Its overarching goal is to enable machines exhibit human-like cognitive abilities, such as understanding, reasoning, learning, and problem-solving.[21]

Machine learning, a prominent branch of AI, empowers computers to learn from data and improve their performance without explicit programming. Through the analyses of vast datasets, machine learning algorithms can recognize patterns, make predictions, and generate insights.[22] Natural language processing enables computers to understand and interpret human language, enabling

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[16] 'Advantage of Arbitration over Litigation' <https://viamediationcentre.org/readnews/Mjcz/Advantages-of-Arbitration-over-Litigation> accessed 12 May 2023; Upcounsel, 'What are the Advantages and Disadvantages of Arbitration?' <https://www.upcounsel.com/what-are-the-advantages-and-disadvantages-of-arbitration> accessed 21 April 2023.

[17] RC Reuben, 'Confidentiality in Arbitration: Beyond the Myth' (2006) 54 *Kansas Law Review* 1255.

[18] ER Oddiri, 'Alternative Dispute Resolution' (Annual Delegates Conference of the Nigerian Bar Association, Abuja, August 2004).

[19] E Burns, N Laskowski and L Tucci, 'Artificial Intelligence (AI)' <https://www.techtarget.com/searchenterpriseai/definition/AI-Artificial-Intelligence#:~:text=CIO%2FIT%20Strategy-,What%20is%20artificial%20intelligence%20(AI)%3F,speech%20recognition%20and%20machine%20vision> accessed 13 May 2023; A Schroer, 'Artificial Intelligence: What is Artificial Intelligence (AI)? How Does AI Work?' <https://builtin.com/artificial-intelligence> accessed 14 May 2023.

[20] IBM, 'What is Machine Learning' <https://www.ibm.com/topics/machine-learning> accessed 16 May 2023.

[21] A Schroer, 'Artificial Intelligence: What is Artificial Intelligence (AI)? How Does AI Work?' <https://builtin.com/artificial-intelligence> accessed 14 May 2023.

[22] S Brown, 'Machine Learning, explained' <https://mitsloan.mit.edu/ideas-made-to-matter/machine-learning-explained> accessed 15 May 2023.

applications such as virtual assistants, language translation, and sentiment analysis.[23] Computer vision allows machines to perceive and comprehend visual information, enabling image recognition, object detection, and facial recognition systems.[24] Robotics combines AI with physical machines to create intelligent robots capable of interacting with the environment and performing tasks autonomously.[25]

AI has numerous real-world applications across various industries, including healthcare, finance, transportation, manufacturing, and entertainment. It has the potential to revolutionize healthcare by improving diagnostics, assisting in surgical procedures, and developing personalized treatment plans. In finance, AI algorithms can analyze market trends, predict investment outcomes, and automate trading processes.[26] Self-driving cars and smart transportation systems rely on AI to navigate roads, optimize traffic flow, and enhance safety.[27] AI-powered robots are transforming the manufacturing industry by streamlining production lines, improving efficiency, and performing hazardous tasks.[28] Furthermore, AI is making an impact in entertainment through personalized recommendations, virtual reality experiences, and computer-generated imagery.[29] While AI presents immense opportunities, it also raises ethical and societal considerations. Questions surrounding privacy, data security, job displacement, bias, and accountability must be addressed to ensure responsible and beneficial AI development and deployment. As AI continues to advance, its potential to reshape industries, improve lives, and tackle complex challenges remain a focal point of research, innovation, and debate.[30]

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[23] B Lutkevich and E Burns, 'Natural Language Processing' <https://www.techtarget.com/searchenterpriseai/definition/natural-language-processing-NLP> accessed 13 May 2023.

[24] IBM, 'What is Computer Vision?' <https://www.ibm.com/topics/computer-vision> accessed 15 May 2023.

[25] JavaTpoint, 'Robotics and Artificial Intelligence' <https://www.javatpoint.com/robotics-and-artificial-intelligence> accessed 16 May 2023; Telefonica, 'Robots with Physical Intelligence, a New Step forward' <https://www.telefonica.com/en/communication-room/blog/robots-with-physical-intelligence-a-new-step-forward/> accessed 23 April 2023.

[26] A Bohr and K Memarsadeh, 'The Rise of Artificial Intelligence in Healthcare Applications' in A Bohr and K Memarsadeh (eds), *Artificial Intelligence in Healthcare* (Academic Press 2020).

[27] 'Driving Innovation in Autonomous Vehicles' <https://www.dow.com/en-us/market/mkt-mobility/sub-mobility-electronics/app-mobility-elec-adas.html?cid=PPC:Google:10866:innovations_europe:ATR:EMEAI:na:44317:n/a:adas:n/a:DCS:PRO:689706d5-2d9d-eb11-b1ac-000d3a532dab&gclid=CjwKCAjw04yjBhApEiwAJcvNoWOu6J5akN2-wCUPLFS37ZOyN7k_um9G9PJbB7WKuMeOT2rJd8fnxxoCtMgQAvD_BwE&gclsrc=aw.ds> accessed 20 April 2023; 'Future of Transportation: How AI is Revolutionizing Self-Driving Cars and Traffic Management' <https://www.linkedin.com/pulse/future-transportation-how-ai-revolutionizing-self-driving> accessed 16 May 2023.

[28] A Pattam, 'AI: How Smart Technologies are Changing the Game' <https://www.linkedin.com/pulse/revolutionising-manufacturing-ai-how-smart-changing-game-aruna-pattam> accessed 21 April 2023.

[29] 'Role of AI in the Entertainment Industry: Real-world Use Cases & Examples' <https://www.leewayhertz.com/ai-use-cases-in-entertainment/> accessed 13 May 2023.

[30] G Chua, 'Holding AI Accountable: Who gets to tell the Story?' <https://pulitzercenter.org/event/holding-ai-accountable-who-gets-tell-story?gclid=CjwKCAjw04yjBhApEiwAJcvNoXKgoXjL6wc_cvfIuACFo0xDDWyMHQHbb6VgWY4sdji4gMwgM8eSixoCRtYQAvD_BwE> accessed 13 May 2023.

4.1. Artificial Intelligence Arbitration (AIA): A Comparison of the United States of America and Nigeria

4.1.1. Artificial Intelligence Arbitration (AIA) in the United States of America

The development of computer systems that can carry out tasks that traditionally require human intelligence is referred to as AI. A variety of techniques and methodologies are used in this multidisciplinary discipline to build intelligent machines that are capable of perception, reasoning, learning, and decision-making. AI systems can comprehend, evaluate, and react to complicated facts and circumstances because they are created to emulate human cognitive processes and behaviours. These systems are frequently created with the use of algorithms and models that process and analyze enormous volumes of data, enabling them to spot trends, anticipate the future, and produce insights.

The Common Law System in the United States places a strong emphasis on judicial (Court) precedence when making formal decisions.[31] The United States of America (USA), one of the largest economies in the world, has made significant investments in the advancement of AI. When discussing AI, former US President Donald J. Trump stressed how important it is to American law. According to Trump, maintaining American leadership in AI is crucial if the country is to maintain its economic and national security, as well as influence AI development globally in a manner that is consistent with the nation's values, policies, and aspirations.[32] One of President Donald J. Trump's noteworthy accomplishments was the launch of the American Artificial Intelligence Initiative. Since the launch, the Trump administration has made tremendous progress toward putting the idea of a national strategy into practice and has prioritized maintaining American leadership in AI. In addition to identifying crucial areas of attention for US AI Research and Development (R&D), the American AI initiative pushed Federal agencies to speed up the implementation of AI-enabled capabilities.[33] Additionally, since President Trump became the first President to declare AI as a priority in 2017, the United States has never looked back. The Trump administration published the first-ever AI regulatory document for the trustworthy development,

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[31] LexisNexis, 'Introduction to the American Legal System' <https://www.lexisnexis.com/en-us/lawschool/pre-law/intro-to-american-legal-system.page#:~:text=Common%20Law%20as%20Differentiated%20from,court%20precedent%20in%20formal%20adjudications> accessed 19 December 2022.

[32] The White House, Office of Science and Technology Policy, 'American Artificial Intelligence Initiative: Year One Annual Report' <https://www.nitrd.gov/nitrdgroups/images/c/c1/American-AI-Initiative-One-Year-Annual-Report.pdf> accessed 11 November 2022; See S Oikonomitsiou, 'Artificial Intelligence System in the USA' (Master Thesis, Aalborg University 2018).

[33] The White House, Office of Science and Technology Policy, 'American Artificial Intelligence Initiative: Year One Annual Report' <https://www.nitrd.gov/nitrdgroups/images/c/c1/American-AI-Initiative-One-Year-Annual-Report.pdf> accessed 11 November 2022; See M Muro and S Liu, 'The Geography of AI: Which Cities will drive the Artificial Intelligence Revolution?' <https://www.brookings.edu/wp-content/uploads/2021/08/AI-report_Full.pdf> accessed 12 October 2022; C Mariano-Florentino and AA Hug, 'The Democratic Regulation of Artificial Intelligence' <https://knightcolumbia.org/content/the-democratic-regulation-of-artificial-intelligence> accessed 21 November 2022; United Nations Conference on Trade and Development (UNCTAD), 'Technology and Innovation Report 2021' <https://unctad.org/system/files/official-document/tir2020_en.pdf> accessed 21 October 2022; R Calo, 'Robots in American Law' <http://euro.ecom.cmu.edu/program/law/08-732/AI/Calo.pdf> accessed 21 December 2022.

testing, deployment, and adoption of AI. It demanded unprecedented levels of investment in AI research and development, led the creation of the first international AI principles statement, released the first-ever strategy for AI technical standards engagement, and published the first-ever reporting of government-wide non-defense AI research and development spending.[34]

Throughout this administration, the United States has ranked as the top country in the world for the creation and advancement of AI technology. In terms of research papers and patents among its peers and competitors, the USA currently has the top AI Universities in the world, and the AI industry is growing. Advances in AI created by American scientists, technologists, and researchers have already improved medical diagnosis, made roads safer, assisted first responders in emergency circumstances, and helped farmers and researchers grow better crops.[35] Instead of top-down government regulations, the United States will continue to lead the world in AI as a result of an unrivaled ecosystem of innovation in which nonprofit groups, academic institutions, private sector entrepreneurs, and government agencies all play vital and diverse roles. This is in addition to the synergistic effects of these stakeholders' cooperation. The American AI initiative serves as a guide for this tried-and-true innovation paradigm.[36] Prior to the American AI initiative and the publication of the updated R&D strategy plan, there was a substantial amount of inter-agency work that was completed. Preparing for the Future of AI,[37] The National Artificial Intelligence Research and Development Strategic Plan,[38] and Artificial Intelligence, Automation, and the Economy are just a few of the in-depth publications that were published in October 2016.[39] The reports were

[34] The White House, Office of Science and Technology Policy, 'American Artificial Intelligence Initiative: Year One Annual Report' <https://www.nitrd.gov/nitrdgroups/images/c/c1/American-AI-Initiative-One-Year-Annual-Report.pdf> accessed 11 November 2022; 'The Impact of Artificial Intelligence on the Future of Workforces in the European Union and the United States of America' <https://www.whitehouse.gov/wp-content/uploads/2022/12/TTC-EC-CEA-AI-Report-12052022-1.pdf> accessed 20 November 2022; see also T Wu, 'Will Artificial Intelligence Eat the Law? The Rise of Hybrid Social-ordering Systems' (2019) 119 *Columbia Law Review* 2001.

[35] The White House, Office of Science and Technology Policy, (note 32), see Bipartisan Policy Center and Center for a New American Security, 'Cementing American Artificial Intelligence Leadership: AI Research & Development' <https://bipartisanpolicy.org/report/ai-research-development/> accessed 26 November 2022.

[36] The White House, Office of Science and Technology Policy, (note 32), see O Tang, 'Think Arbi: Will Artificial Intelligence help or Harm Arbitration?' <http://arbitrationblog.kluwerarbitration.com/2021/12/22/think-arbi-will-artificial-intelligence-help-or-harm-arbitration/> accessed 22 October 2022; BC Larsen, 'The Geopolitics of AI and the rise of Digital Sovereignty' <https://www.brookings.edu/research/the-geopolitics-of-ai-and-the-rise-of-digital-sovereignty/> accessed 22 November 2022.

[37] 'Preparing for the Future of Artificial Intelligence' <https://obamawhitehouse.archives.gov/sites/default/files/whitehouse_files/microsites/ostp/NSTC/preparing_for_the_future_of_ai.pdf> accessed 12 November 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022.

[38] 'The National Artificial Intelligence Research and Development Strategic Plan' <https://www.nitrd.gov/pubs/National-AI-RD-Strategy-2019.pdf> accessed 21 November 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022.

[39] Select Committee on Artificial Intelligence of the National Science & Technology Council, 'The National Artificial Intelligence Research and Development Strategic Plan: 2019 Update' <https://www.nitrd.gov/pubs/National-AI-RD-Strategy-2019.pdf> accessed 14 April 2023; 'Artificial Intelligence, Automation, and the Economy'

ordered by the Office of Science and Technology Policy (OSTP), which outlined the requirement for a coordinated national approach to AI and some potential consequences AI might have on development, norms, research cybersecurity, ethics, the economy, and society.[40] The Department of Defense of the United States of America published a succinct report of the 2018 Department of Defense Artificial Intelligence Strategy in February 2019 to establish a central focus for AI across the whole department.[41] The Joint Artificial Intelligence Center (JAIC), founded by the US Department of Defense in June 2018, aims to develop a shared set of AI tools, expertise, standards, reusable technology, shared data, and processes for the Department of Defense.[42]

In May 2019, the US government announced rules for the innovative and trustworthy development and deployment of AI, joining the Organisation for Economic Co-operation and Development (OECD).[43] In addition, the bipartisan Artificial Intelligence Initiative Act (AI-IA) was filed in the US Senate. The AI-IA would coordinate a national plan for AI development and offer a US $2.2 billion federal investment over a period of five years to create a workforce for AI-ready. Over the next 10 years, this legislation would speed up the delivery of AI applications from academia, governmental agencies and the corporate sector.[44] The United States' long-standing technological

<https://obamawhitehouse.archives.gov/blog/2016/12/20/artificial-intelligence-automation-and-economy> accessed 22 November 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022.

[40] T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022; Executive Office of the President National Security and Technology Council Committee on Technology, 'Preparing for the Future of Artificial Intelligence' <https://obamawhitehouse.archives.gov/sites/default/files/whitehouse_files/microsites/ostp/NSTC/preparing_for_the_future_of_ai.pdf> accessed 14 April 2023.

[41] TM Cronk, 'DOD Unveils its Artificial Intelligence Strategy' <https://www.defense.gov/News/News-Stories/Article/Article/1755942/dod-unveils-its-artificial-intelligence-strategy/> accessed 21 December 2022; see also Department of Defense, 'Summary of the 2018 Department of Defense Artificial Intelligence Strategy: Harnessing AI to advance our Security and Prosperity' <https://media.defense.gov/2019/Feb/12/2002088963/-1/-1/1/SUMMARY-OF-DOD-AI-STRATEGY.PDF> accessed 20 December 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022.

[42] SJ Freedberg, 'Joint Artificial Intelligence Center Created under DoD CIO' <https://breakingdefense.com/2018/06/joint-artificial-intelligence-center-created-under-dod-cio/> accessed 21 December 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022; Executive Office of the President National Security and Technology Council Committee on Technology, 'Preparing for the Future of Artificial Intelligence' <https://obamawhitehouse.archives.gov/sites/default/files/whitehouse_files/microsites/ostp/NSTC/preparing_for_the_future_of_ai.pdf> accessed 14 April 2023.

[43] 'OECD Principles on AI' <https://www.oecd.org/going-digital/ai/principles/> accessed 20 December 2022; T Campbell, 'Artificial Intelligence: An Overview of State Initiatives' <https://www.researchgate.net/publication/334731776_ARTIFICIAL_INTELLIGENCE_AN_OVERVIEW_OF_STATE_INITIATIVES> accessed 23 November 2022.

[44] 'Heinrich, Portman, Schatz Propose National Strategy for Artificial Intelligence; Call for $2.2 Billion Investment in Education, Research & Development' <https://www.heinrich.senate.gov/newsroom/press-releases/heinrich-

leadership in AI is a result of its strong, long-term strategic emphasis on innovative, competitive, and high-reward basic R&D efforts that push the boundaries of science and engineering. It makes sense that the Federal Government would make large investments in AI R&D, which would drive future technological advancements.[45]

Despite its technological supremacy in AI, America is also a friendly jurisdiction for arbitration. The American legal system is not a newcomer to the introduction and application of AI in the resolution of disputes.[46] AI systems have already been used in Court cases to analyze choices and forecast results. As an example of a recently created, labeled data collection, the United States has created a standardized data set of 100,000 Court cases to test AI algorithms to evaluate Court decisions and anticipate outcomes.[47] Another of such is the Alternative Dispute Resolution Clause-Builder from the American Arbitration Association, which can assist a lawyer in creating an arbitration agreement that is suitable for his client.[48] In the legal sector, AI techniques are already in use for a while now. Companies have created AI systems that concentrate on diverse areas of legal practice, including both conventional litigation and arbitration.[49] Future applications of AI in US legal practice, such as using AI to evaluate the merits of arbitration cases will be given more thought and care before being widely deployed, it is crucial to emphasize.[50]

All commercial agreements in the United States of America with an arbitration provision are governed by the Federal Arbitration Act (FAA).[51] The Federal preemption rule still holds true even

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portman-schatz-propose-national-strategy-for-artificial-intelligence-call-for-22-billion-investment-in-education-research-and-development> accessed 17 November 2022; Campbell, '(note 42).

[45] The White House, Office of Science and Technology Policy, (note 32); Campbell, (note 42).

[46] S Gulyamov and M Bakhramova, 'Digitalisation of International Arbitration and Dispute Resolution by Artificial Intelligence' (2022) 9 *World Bulletin of Management and Law* 79.

[47] *Ibid.* at 79, 82.

[48] C Sim, 'Will Artificial Intelligence take over Arbitration?' (2018) 14 Asian Journal of International Arbitration 1; American Arbitration Association, 'AAA ClauseBuilder' <https://www.clausebuilder.org/cb/faces/index> accessed 30 November 2022; see G Bayyraktaroglu-Ozcelik and SB Ozcelik, 'Use of AI-Based Technologies in International Commercial Arbitration' (2021) 12 European Journal of Law and Technology 1; see C Coglianese and LMD Dor, 'AI in Adjudication and Administration' [2021] *Faculty Scholarship at Penn Carey Law* 2118.

[49] See H Surden, 'Artificial Intelligence and Law: An Overview' (2019) 35 Georgia State University Law Review 1306; C Chace, 'The Impact of Artificial Intelligence on the Law' <www.forbes. com/sites/calumchace/2020/10/22/the-impact-of-artificial-intelligence-on-thelaw/?sh=28133bb76b45> accessed 30 November 2022; R Toews, 'AI will Transform the Field of Law' <www.forbes.com/sites/robtoews/2019/12/19/ ai-will-transform-the-field-of-law> accessed 21 November 2022; B Marr, 'How AI and Machine Learning are Transforming Law Firms and the Legal Sector' <www.forbes.com/sites/bernardmarr/2018/05/23/how-ai-and-machinelearning-are-transforming-law-firms-and-the-legal-sector/?sh=4f2c6f0d32c3> accessed 21 December 2022; J Bakst et al, 'Artificial Intelligence and Arbitration: A US Perspective' (2022) 16 Dispute Resolution International 7

[50] R Toews, 'AI will Transform the Field of Law' <www.forbes.com/sites/robtoews/2019/12/19/ ai-will-transform-the-field-of-law> accessed 21 November 2022; H Surden, 'Artificial Intelligence and Law: An Overview' (2019) 35 *Georgia State University Law Review* 1306; C Chace, 'The Impact of Artificial Intelligence on the Law' <www.forbes.com/sites/calumchace/2020/10/22/the-impact-of-artificial-intelligence-on-thelaw/?sh=28133bb76b45> accessed 30 November 2022; B Marr, 'How AI and Machine Learning are Transforming Law Firms and the Legal Sector' <www.forbes.com/sites/bernardmarr/2018/05/23/how-ai-and-machinelearning-are-transforming-law-firms-and-the-legal-sector/?sh=4f2c6f0d32c3> accessed 21 December 2022; J Bakst et al, 'Artificial Intelligence and Arbitration: A US Perspective' (2022) 16 Dispute Resolution International 7.

[51] Federal Arbitration Act 1947 (FAA), 9 U.S.C.

when parties are allowed to choose between the FAA and a State's arbitration law.[52] The Arbitration Act varies from state to state.[53] Nonetheless, the term 'Arbitrator' is not defined by the FAA. The only state with a statute specifically defining an arbitrator is Nevada.[54] The Courts have not given the issue enough attention. An arbitrator is defined as a private special arbiter, chosen by the parties to a dispute, and granted the power to adjudicate the dispute.[55] Although the Court did not have access to computers or algorithms in 1868, the term 'private extraordinary judge' is quite open-ended and may therefore refer to contemporary tools. The Supreme Court of Wisconsin acknowledged the term given by Webster's Third New International Dictionary as having complete authority to decide cases and so bind the parties involved.[56] While this raises the question of whether a computer can be regarded as a component arbiter, many State Courts refer to them as 'persons', however.[57]

The appointment of arbitrators or umpires is covered by Section 5 of the Act.[58] In this section,[59] the FAA used two pronouns which are 'He' and 'They'. Both of these third-person pronouns are used in the act in place of the arbitrator's name or the word 'arbitrator'. These pronouns refer to a 'person,' or 'human being,' rather than an object or thing. It is safe to deduce from this section's interpretation that FAA rejects the assumption and possibility that AI may serve as an arbitrator, and instead, recognizes that an arbitrator can only be a human being. It must be acknowledged that the interaction of AI with arbitration raises unique problems within the framework of the US judicial system. This demonstrates the need for an effective solution. There are countless potential uses for AI applications in US dispute-resolution systems, as well as numerous challenging issues that must be resolved. In the future, AI may be developed to help parties choose arbitrators or even function as a tool for adjudication, even if presently AI legal technologies are intended to assist

[52] *AT & T Mobility v Concepcion* (2012) 563 U.S. 333.
[53] PB Marrow, M Karol and S Kuyan, 'Artificial Intelligence and Arbitration: The Computer as an Arbitrator – Are we there yet?' (2020) 74 Dispute Resolution Journal 35.
[54] Nevada Revised Statutes 2020, Chapter 38. 209.
[55] *Gordon v United States* (1953) 74 U.S. 188, 194; PB Marrow, M Karol and S Kuyan, 'Artificial Intelligence and Arbitration: The Computer as an Arbitrator – Are we there yet?' (2020) 74 Dispute Resolution Journal 35.
[56] *Grays Harbor County v Williamson* (1981) 96 Wn. 2d 147, 156; PB Marrow, M Karol and S Kuyan, 'Artificial Intelligence and Arbitration: The Computer as an Arbitrator – Are we there yet?' (2020) 74 Dispute Resolution Journal 35; PB Gove and G & C Merriam Company, *Webster's Third New International Dictionary of the English Language, Unabridged* (G & C Merriam 1967).
[57] *State ex rel. Cushion v City of Massillon* (2011) Ohio App. LEXIS 3922; *Konz v Morgan Stanley Smith Barney* (2018) U.S. Dist. LEXIS 180069; *Bolick v Merrill Lynch, Pierce, Fenner & Smith, Inc* (2006) U.S. Dist. LEXIS 330; *Nieves v Travelers Cas. Ins. Co. of Am*. (2015) U.S. Dist. LEXIS 95774; *Society of Am. Foresters v Renewable Natural Resources Found*. (1997) 114 Md. App. 224; *Hino Motors Mfg. United States v Naftaly* (2011) Mich. App. LEXIS 1562; PB Marrow, M Karol and S Kuyan, '(note 3) 35.
[58] Federal Arbitration Act 1947.
[59] Federal Arbitration Act 1947, s 5.

lawyers in the United States with their duties.[60] Currently, databases are available to help the parties identify suitable arbitrators for a dispute and, as a result, to aid in arbitrator selection.[61]

4.1.2. Artificial Intelligence Arbitration (AIA) in Nigeria

The defunct Arbitration and Conciliation Act (ACA) 1988, hitherto, was the only Federal legislation regulating arbitral processes in Nigeria as a whole, although Lagos State has enacted the Arbitration Law of Lagos State 2009. In its preamble, ACA 1988 provided that it was an Act to provide a unified legal frame work for the fair and efficient settlement of commercial disputes by arbitration and conciliation; and to make applicable the Convention on the Recognition and Enforcement of Arbitral Awards (New York Convention) to any award made in Nigeria or in any contracting State arising out of international commercial arbitration.[62] This sets out Nigeria as not just a jurisdiction opened to dispute resolution through arbitration, but one interested in the creation of a unified standard for arbitral proceedings in the region. In the same vein, the act portrayed its conformity and acceptance of international standards for the practice of arbitration in Nigeria.

In 2018, Robinson in his study was of the view that while living in a time when many tasks are now performed by machines, in Nigeria practically everything is still done by hand. As a result, AI is crucial to the technological future of developing countries like Nigeria. AI technology is effective enough to eliminate human effort in many fields, hence enhancing production and efficiency, as is the case of advanced countries that have embraced technology. Many countries have started employing AI technology in recent years to minimize human labour as well as to get efficient and quicker results, but Nigeria has not yet given AI the necessary attention.[63]In Effoduh's study of 2021, Nigeria was considered an AI champion on the African continent as a result of the establishment of dedicated government institutions that are fostering a knowledge-

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[60] J Gertsch, 'Where to Start with Legal Technology: A Modern Roadmap for Legal Terms' <https://www.workiva.com/resources/where-start-legal-technology-modern-roadmap-legal-teams?utm_medium=Search&utm_type=Paid&utm_source=Google&utm_campaign=evergreen-mofu&utm_solution=PLTFM&utm_geo=North-America&gclid=CjwKCAjw8-OhBhB5EiwADyoY1UlcleWXehhdCSze4j--5swSC3fBQsuSr-vOOaCt0PFptS-LIoP_ShoCPPwQAvD_BwE> accessed 14 April 2023; J Bakst et al, 'Artificial Intelligence and Arbitration: A US Perspective' (2022) 16 *Dispute Resolution International* 7.

[61] J Bakst et al, 'Artificial Intelligence and Arbitration: A US Perspective' (2022) 16 Dispute Resolution International 7; J Gesley, 'Artificial "Judges"? – Thoughts on AI in Arbitration Law' <https://blogs.loc.gov/law/2021/01/artificial-judgesthoughts-on-ai-in-arbitration-law> accessed 21 December 2022; See 'Arbitrator Intelligence' <https://arbitratorintelligence.com> accessed 21 November 2022; 'The GAR Arbitrator Research Tool' <https://globalarbitrationreview.com/tools/arbitrator-research-tool#:~:text=GAR's%20Arbitrator%20Research%20Tool%20(ART,between%20more%20than%2030%2C000%20names> accessed 12 November 2022.

[62] ACA, Preamble.

[63] RN Robinson, 'Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria' (2018) 5 Direct Research Journal of Engineering and Information Technology 36; C Alonso, S Kothari and S Rehman, 'How Artificial Intelligence could widen the Gap between Rich and Poor Nations' <https://www.imf.org/en/Blogs/Articles/2020/12/02/blog-how-artificial-intelligence-could-widen-the-gap-between-rich-and-poor-nations> accessed 14 April 2023.

based economy and promoting the research and development of AI systems in Nigeria.[64] This research discovery was corroborated by Nigeria's creation of National Centre for AI and Robotics (NCAIR),[65] making Nigeria the first nation in the region to institutionalize such, with a vision to unveil its first national AI plan or policy.[66] However, it is imperative to restate that Nigeria's national AI strategy should place the utmost emphasis on respecting the country's democratic norms, upholding its constitutional ideals, and helping to meet the socioeconomic needs of the Nigerian people. In this policy, the principles of algorithmic accountability, data security, machine learning models' capacity to justify their choices, and the protection of people' human rights from infringement should be upheld. Nigeria's AI policy ought to prioritise the fundamental human rights provisions of the country's constitution, particularly those that deal with nondiscrimination, privacy, and the maintenance of Nigerians' inherent dignity. Additionally, the policy ought to adhere to international AI norms and standards that uphold human rights and promote equality, diversity, safety, justice, and algorithmic accountability.[67]

In consideration of the diversities and complexities of the Nigerian clime, Nigeria's AI policy considerations are essential to address issues like algorithmic bias, privacy invasion, lack of transparency, and the general difficulty of helping Nigerians comprehend how they are dealing with AI. Since AI assessments are probabilistic in nature, they should not be used as the sole foundation for making decisions. As a result, Nigeria's AI policy should be skeptical of the degree to which some public sectors can rely on AI systems and should restrict or justify the use of such technology in areas such as immigration, criminal justice, law enforcement, and national security.[68] Like the United States of America, Nigeria lacks any direct and explicit legal framework on AIA. Notwithstanding the implementation of some policies and guidelines in the United State, the existence of same cannot be said for Nigeria. In Nigeria, there is currently no governmental policy devoted to governing AI.[69] Expectantly, Nigeria may be starting to develop more laws,

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[64] JO Effoduh, 'Towards a Rights-respecting Artificial Intelligence Policy for Nigeria' <https://paradigmhq.org/wp-content/uploads/2021/11/Towards-A-Rights-Respecting-Artificial-Intelligence-Policy-for-Nigeria.pdf> accessed 1 January 2023; see also 'The Role of Artificial Intelligence (AI) in creating a sustainable Law Practice in Nigeria' <https://lawforteng.com/2020/08/13/the-role-of-artificial-intelligence-ai-in-creating-a-sustainable-law-practice-in-nigeria/> accessed 13 February 2023.

[65] The National Centre for Artificial Intelligence and Robotics (NCAIR) was commissioned in Abuja on the 13 of November 2020 as a response to the directive for all agencies under the Ministry of Communications and Digital Economy to formulate practical strategies for enhanced implementation of the digital economy.

[66] NITDA, 'National Center for Artificial Intelligence and Robotics' <https://nitda.gov.ng/ncair/> accessed 14 April 2023; JO Effoduh, 'Towards a Rights-respecting Artificial Intelligence Policy for Nigeria' <https://paradigmhq.org/wp-content/uploads/2021/11/Towards-A-Rights-Respecting-Artificial-Intelligence-Policy-for-Nigeria.pdf> accessed 1 January 2023.

[67] JO Effoduh, (note 64).

[68] E Radar, 'Nigeria opens Artificial Intelligence Centre, first of its Type' <https://www.nigeriagalleria.com/nigeria-opens-artificial-intelligence-centre-first-of-its-type/> accessed 14 April 2023; JO Effoduh, 'Towards a Rights-respecting Artificial Intelligence Policy for Nigeria' <https://paradigmhq.org/wp-content/uploads/2021/11/Towards-A-Rights-Respecting-Artificial-Intelligence-Policy-for-Nigeria.pdf> accessed 1 January 2023; see T Aigbogun, 'Nigeria: Legal Consideration in the Use of Artificial Intelligence' <https://www.mondaq.com/nigeria/new-technology/1203070/legal-considerations-in-the-use-of-artificial-intelligence> accessed 1 January 2023.

[69] Oladeji, 'Towards AI Policy in Nigeria' <https://thenationonlineng.net/towards-ai-policy-in-nigeria/> accessed 14 April 2023; JO Effoduh, '7 Ways that African States are Legitimizing Artificial Intelligence'

regulations, and guidelines that would control the usage and use of AI, ushering in an era of 'AI normative emergence.'[70]

A concern that is worthy of consideration in discussing AIA potentials in Nigeria is the need for a Nigerian AI strategy that respects human rights.[71] Sequel to this, Paradigm Initiative seeks to change the narrative by pursuing this agendum.[72] The Nigerian government and other relevant stakeholders should carefully consider how this policy can be created to support an AI economy that will maintain standards like algorithmic accountability, data protection, explain-ability of decision-making by machine-learning models, and the protection of the citizens' human rights from infringements, among other things.[73] AI is one of the main policy objectives for many countries, both regionally and internationally. This is because many state efforts highlight the deployment of AI for development and economic progress. Nigeria has demonstrated that it is ready to offer a framework for the research, development, application, coordination, and regulation of AI systems as a tool in the country's agenda for change in the areas of economic expansion, the creation of jobs, and open governance.[74]

In Nigeria's legal sector of today (by extension, arbitration), research shows that AI has a vital role to play in Nigeria. Consequently, Enebeli compiled a list of ways AI may benefit Nigeria's legal clime, and arbitration in particular.[75] First, in the field of automated document review, AI may make arbitration easier. Document evaluations are prone to human error since identifying relevant information is a manual process in the legal profession, which is known for producing copious amounts of paperwork. It also squanders the time and energy needed for significant judicial proceedings. In any event, AI has made document review less prone to error. Using natural language, the legal research platform provides a cognitive computation to review legal documents.[76]

<https://www.wathi.org/7-ways-that-african-states-are-legitimizing-artificial-intelligence-openair-africa-october-2020/> accessed 20 January 2023; see F Oladeji, 'Developing an AI Policy for Nigeria' <https://dailytrust.com/developing-an-ai-policy-for-nigeria/> accessed 17 February 2023.

[70] JO Effoduh, (note 69).

[71] JO Effoduh (note 64).

[72] Paradigm Initiative works to connect underserved young Africans with digital opportunities and ensures protection of their rights. Across regional offices in Cameroon, Kenya, Nigeria, Senegal, Sambia, Zimbabwe and beyond, Paradigm Initiative works to connect under-served African youth with improved livelihoods through digital inclusion and digital rights programs. 'Paradigm Initiative: Home' <https://paradigmhq.org> accessed 19 February 2023; see also JO Effoduh, (64).

[73] See generally JK Effoduh, (note 64).

[74] E Okonji, 'Nigeria: Enhancing Government Service Delivery with Technology' <https://www.africapulse.com/2021/10/14/nigeria-enhancing-government-service-delivery-with-technology/> accessed 19 February 2023.

[75] J Ajayi, 'Artificial Intelligence: In the Nigerian Legal Industry: A Threat or an Opportunity?' <https://legalpediaonline.com/artificial-intelligence-in-the-nigerian-legal-industry/> accessed 19 February 2023; VN Enebeli, 'Artificial Intelligence: Challenges and Opportunities for Arbitration in Nigeria' (2022) 9 *Rivers State University Journal of Public Law* 23.

[76] VN Enebeli, (note 75) 23, 3; Legal Suite, 'Mistakes Happen. (Lawyers are only Human after all). Automation is your best Defense'https://www.legal-suite.com/categories/blog-12830/articles/mistakes-happen-lawyers-are-only-human-after-all-automation-is-your-best-defense-1275.htm accessed 14 April 2023.

A second way AI may impact arbitration in Nigeria can be seen in the aspect of risk assessment. One obligation which lawyers carry out is to evaluate risks. A thorough risk assessment helps to avoid expensive lawsuits. Many advocates and legal establishments struggle with risk analyses. The repercussions of this deficit are felt by the clients. Fortunately, advancements in AI can reduce this inefficiency. To achieve this, the Technology Assisted Review (TAR) tool may be used. This cutting-edge function enables virtual information evaluation, assisting lawyers in doing a more accurate risk assessment. Lawyers can spot possible hasards earlier than usual if they are equipped with clever solutions like TAR. In practice, an automated risk assessment will enable clients to receive astute legal advice on possible issues before they arise.[77]

AI provides great assistance to humans. In Nigeria, nearly all tasks are carried out manually, which puts the country's economy in peril owing to low production and a lack of technological advancement. AI technology, on the other hand, is effective enough to reduce human effort in a number of domains, hence enhancing production and technology. Many wealthy countries are employing AI to build machine slaves that regularly carry out different tasks in order to increase production in a variety of economic operations. AI will aid people in doing tasks more quickly and accurately. The primary goals of AI are to create efficient and error-free environments. Many countries have started employing AI technology in recent years to minimize human labor as well as to get efficient and quicker results, but Nigeria has not yet given AI the necessary attention.[78] Whereas research has shown that there is no existing legal framework regulating AI in Nigeria,[79] arbitration is well regulated by the Arbitration and Mediation Act (AMA) 2023. In identifying the practice of AIA in Nigeria, this research considered the acceptability and practice of AIA in Nigeria through the eyes of the AMA. The AMA came into force in 2023 largely as a solution to the shortcomings of the ACA. It should be stated that the enactment of the AMA was both timely and necessary to salvage the practice of arbitration in Nigeria. Nevertheless, being an Act enacted in the year 2023 with the aim of correcting the shortcomings of the previous Act, and to uplift arbitration to global and current standards, the provisions of the AMA falls short of this expectation. Specifically, a cursory study of the AMA explicitly reveals the omission or thoughtful exclusion of the impact of technology or technological tools to the practice of arbitration.

In clearer terms, the AMA 2023 makes neither an attempt nor provision on the role of technology (and the relevance thereof) in the 21st century arbitral processes. To this researcher, this fundamental exclusion renders the Act almost (if not totally) irrelevant in this age and time of technological exploits. Internationally, many climes have advanced their dispute resolution mechanisms beyond the orthodox or traditional practices which Nigeria is still affixed to. In the field of arbitration, whereas countries like China, Japan, India, and United State of America have

[77] VN Enebeli, J Rogers and F Bell, 'The Ethical AI Lawyer: What is required of Lawyers when they Use Automated Systems?' (2019) 1 *Law, Technology and Humans* 80.
[78] RN Robinson, 'Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria' (2018) 5 Direct Research Journal of Engineering and Information Technology 36, 8.
[79] See F Oladeji, 'Developing an AI Policy for Nigeria' <https://dailytrust.com/developing-an-ai-policy-for-nigeria/> accessed 17 February 2023.

taken a proactive step towards the adoption of AIA, Nigeria is set back by the enactment of the AMA which lacks credence as regards the impact of technology in arbitral processes.

As the Nigerian legal system engages more approaches on AIA, it should be noted that the relevance of technology to arbitration is unquestionable. This reality was clearly seen in the early and mid-periods of COVID-19 pandemic. The results of a recent study demonstrate the tenacity of the African arbitration community throughout the Covid-19 outbreak and how, in the face of hardship, technological investment prepared Africa to take a more significant part in arbitration (including international) today and in the future.[80]

5.1. Conclusion

Artificial Intelligence Arbitration is a campaign for the fusion of AI to the ADR mechanism, arbitration. This study is a comparative examination of the practice of AIA in both the United State of America and Nigeria. In both regions, AIA refers to the utilisation of AI technologies and algorithms to facilitate the resolution of disputes and conflicts through arbitration processes. As an emerging field, AIA has gained significant attention in recent years due to its potential to streamline and expedite dispute resolution, reduce costs, and enhance overall efficiency. In the jurisdictions under consideration, AI arbitration is primarily driven by advancements in machine learning, natural language processing, and data analytics. These technologies enable AI systems to analyze vast amounts of legal data, extract relevant information, and provide recommendations or predictions for the resolution of disputes. AI arbitration can be utilized in various areas, including commercial disputes, employment issues, intellectual property conflicts, and consumer complaints.

Furthermore, AIA can offer a standardized and consistent approach to dispute resolution. By relying on machine learning algorithms, AI systems can apply predefined rules and principles consistently across different cases, minimizing the potential for human bias and ensuring fair and impartial outcomes. This can lead to increased trust and confidence in the arbitration process. Nonetheless, the role of human arbitrators in AI arbitration remains significant. While AI technologies can assist in arbitral proceedings, human inputs are well required. Through human oversight, ethical considerations, legal nuances, and contextual factors are adequately addressed.

AIA in the United States of America and Nigeria is an emerging field that holds promise for transforming the way disputes are resolved. By leveraging on AI technologies, the arbitration process can become more efficient, cost-effective, and consistent. However, it is essential to strike a balance between the advantages offered by AI systems and the need for human involvement and oversight to ensure fairness, transparency, and accountability in the arbitration process.

[80] Out-Law Analysis, 'Resilience and Tech – the Catalysts for Africa's Role in International Arbitration to Grow' <https://www.pinsentmasons.com/out-law/analysis/resilience-and-tech-the-catalysts-for-africas-role-in-international-arbitration-to-grow> accessed 23 February 2023.

6.1. Recommendation

For AIA to be effective, there is a need for re-orientation. Arbitrators and Lawyers need to come to the realisation that AI technology has not come to take over their jobs. Rather, it provides arbitration with assistive tools, the adoption of which would make arbitral processes more efficient.

Furthermore, there is a growing need for inter-field interaction between different fields of human activities. This interaction brings to the fore opportunities for both fields to benefit from each other. This interaction will develop a partnership between technology and arbitration. The interaction between arbitration and AI allows the former to capitalize on the advantages of using technology and technological tools to assist arbitral proceedings.

In addition, it should be noted that AIA cannot be used effectively or at optimal level without human influence or involvement. This entails that arbitrators (human arbitrators) and/or human personnel must be able to work with AI technological tools in order to ensure oversight functions, accountability and maintain ethical standards.

Finally, there is an immediate need to amend the FAA and AMA. The call for the amendment of the FAA and AMA is targeted towards addressing and accommodating the use of AI technology and technological tools in arbitration. At the moment, both the FAA and AMA has no direct provision on the integration of AI into arbitration. Therefore, to accommodate this proposed AIA interaction, the FAA and AMA being the legal framework should provide a foundation for such union.