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The Role of Third-Party Intervention in Trade Dispute in Nigeria: A Study of Selected Universities

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Abstract:

The study investigated the role of third-party intervention in trade dispute. Litigation is one of the popular ways of disputes settlements. Hence, there are other appropriate pragmatic and adaptive models of resolving disputes apart from litigation, such as arbitration, mediation, and conciliation. The study examined the challenges before the third party by way of conciliation, mediation and arbitration and conclude that motives of the third parties in disputes resolution are to prevent disputes, resolve it if it has developed, or manage it from being dysfunctional. Again, the choice of alternation/appropriate dispute resolution (ADR) model(s) to be employed depends on the peculiarities of the disputes. A sample size of 631.7 was determined from a population of 2,021 employees using Taro Yamme's approach. Data obtained from pilot survey were committed to test of reliability using Cronbach alpha statistic and computed using SPSS version 19 and the result reported a Cronbach alpha of 0.771. In analyzing the data, the descriptive statistics of simple percentage, mean, Variance and Analysis of Variance (ANOVA) were adopted to answer the research questions and test the hypotheses. To further this research, F- value was used to calculate the test statistics, treatment mean square (TRMS), Error mean Square (EMS), and Treatment Sum of Squares (TRSS) at 5% significant level. The study however concludes that the role of third Party and the resolution model(s) it uses have significant impact in dispute resolution. Thus, recommended these model(s) in settling disputes because it is convenient, cheap, flexible, adaptive, dignity-protecting, less time-consuming, friendly enhancing, among others. Immediate and remote causes of dispute should be properly addressed and substantive effort should be made towards reducing disputes in the institutions because of its negative consequences.

Keywords: *Third party intervention, trade dispute, resolution, conciliation, mediation, arbitration*

1. Introduction

Third party intervention is a typical response to destructive and persistent social conflict and comes in a number of different forms. The strong correlation between poverty and employment is unquestionable, and these are mainly the cause of most of the labour disputes (ILO, 1999). The importance of employment in the context of poverty stems from the fact that the majority of people, particularly the poor, rely mainly on the use of their labour to earn their livelihood. The Director-General of the International Labour Organization (ILO) would not have captioned the position any better way in his exposition:

'It is the world of work that holds the key to progressive and long-lasting eradication of poverty in that it is:

- Through work that people are able to make choices to a better quality of life;
- Through work that wealth is created, distributed and accumulated, and
- Through work that people find a dignified way out of poverty' ILO (1999).

It is on the premises of employment and decent work wages, conditions of workplace and forms of employment that conflicts arise between employer and labour, and employers and employees' unions.

The third party will be at rest, if employers and employees and the unions do the right things as stated in the regulatory books. However, because somebody, somewhere wants to have much more than others, conflict will always arise, (Fisher & Keashly, 1991). Third party, therefore is somebody who is selected or appointed by the parties or appointed by the government to reconcile, mediate or arbitrate in a dispute involving two parties.

Third parties may be consultants, industrial arbitration courts, government agencies and other interested third parties, (ILO, 2008). With this background, the study will look at the role of third party as conciliators, mediators and arbitrators in trade disputes in Nigerian universities. The researcher's interest in Nigerian Universities is as a result of frequent disputes in the system and the ways these various disputes are resolved.

In every organization, interests abound, consisting of the employer's interests and the employee's interests, and when these interests' conflicts and the organization fails to manage them, disputes will subsequently arise. This trend has been observed over the years in the Nigerian University System; hence a study of third-party mechanism in dispute resolution and the roles played by the third party to achieve the desired goals will be helpful.

It is based upon the realization that employers enjoy greater social and economic power than individual workers. The contract of employment is by nature imbalanced due to the fact that its content is largely determined by the employer by virtue of his owning the means of production and this place him/her in a stronger bargaining position, (ILO, 2008). As employees need work more than the employers, they tend to accept any terms and conditions offered to them even if the work turns out to be exploitative. This is especially true of employees who enter the labour market without special skills. The high unemployment rate facing most countries also leaves employees with very high choice but to accept whatever is on offer.

As individuals, workers are unable to counteract management's economic strengths. Remarking on this position, Mr. Justice Taft, former President of the United States of America pointed out that labour unions were organized out of the necessity of the situation. A single employee is helpless in dealing with an employer. He is dependent ordinarily on his daily wage for the maintenance of himself and his family. If the employer refuses to pay him the wages that he thought fair, he is nevertheless unable to leave the employment and to resist arbitrary and unfair treatment (ILO, 2008).

Nigerian Universities are public sector organizations in Nigeria with large labour force that has experienced disputes, collective bargaining, resolutions and strikes of all sorts and so could offer a good case for considering the role of the third party in dispute resolution through mediation, conciliation, arbitration or any other.

Grievances and disputes are an inevitable part of the employment relationship. Thus, the objective of public policy is to manage conflict and promote sound labour relations by creating a system for the effective prevention and settlement of labour disputes. (Teague, 2013).

In these Universities, it is inevitable that disagreements arise between workers and employers regarding issues related to interests and rights (Teague; 2013). Thus, the term 'dispute resolution' has been described as 'a process by which two or more disputing parties improve their situation by cooperative action . . . (allowing) the parties to expand the pie, or to prevent it from shrinking, giving each party a larger slice' (Chandraskhan 1997).

1.1. Statement of the Problem

It is people that make up the various institutions and as such, interests may clash. But when they clash, how can they be resolved so that the universities growth and employer's prosperity be ensured? It is the challenge before the third party by way of conciliation, mediation and arbitration of disputes among Nigerian universities.

Today in our universities, there have always been strikes and negative attendant consequences resulting in disagreements among union executives and employees. The disagreements between employers and employees cause problems that often lead to wrongful discharge or dismissal of employees, withdrawal of any concession or privilege and unnecessary retrenchment of employees. Differences in opinion among employers and employees often encourage the grape vine which destroys relationships. When disputes are resolved, problem solving workshops or systems are not created for the effective prevention and settlement of future labour disputes.

There has not been a good medium of resolving these problems and even when there is one, parties involved may not agree. The third party comes in by way of conciliation, mediation and arbitration. The question of which one does it better is also a question that requires an answer. The problem before this study is therefore to investigate and find out the impact of third-party intervention in the resolution of disputes in the selected Universities by way of mediation, conciliation and arbitration.

1.2. Objectives of the Study

The purpose of this study is to look at the role of third-party intervention in trade disputes. Thus, the following specific objectives are:

- To find out if disputes are resolved mostly by Arbitration
- To find out if disputes are resolved mostly by conciliation
- To find out if disputes are resolved mostly by mediation
- To find out if a joint use of arbitrators, conciliators, and mediators are more effective in dispute resolution than individual applications.

1.3. Research Questions

The following research questions are asked to elicit responses to assist the study.

- Is industrial dispute always resolved through arbitration?
- Is industrial dispute always resolved through conciliation?
- Is industrial dispute always resolved through mediation?
- What is the joint role of arbitrators, conciliators and mediators in dispute resolution?

1.4. Research Hypotheses

The following null hypotheses are derived from the research questions.

- HO₁: Arbitrators are not significantly effective in dispute resolution
- HO₂: Conciliators do not significantly play effective role in dispute resolution.
- HO₃: Mediators do not have significant role in dispute resolution.
- HO₄: Arbitrators do not significantly enhance dispute resolution

2. Review of Related Literature

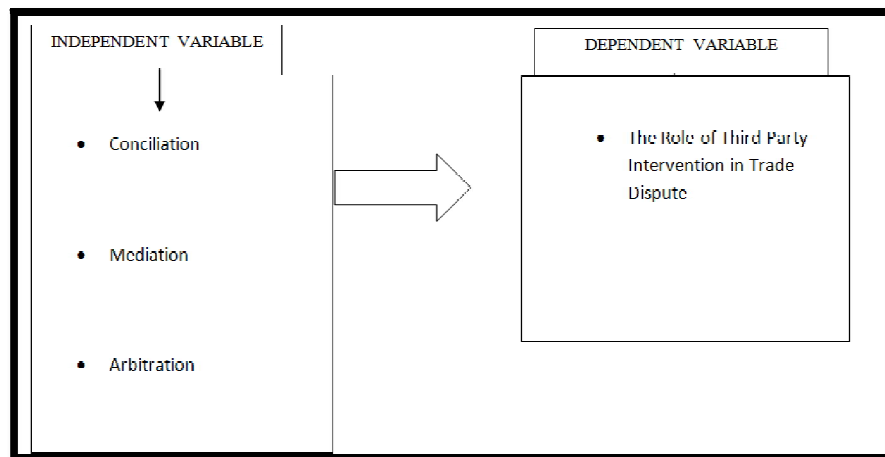


Figure 1: Conceptual Framework
Source: The Researcher's Desk (2020)

2.1. Origen of Trade Dispute

Historically, Ubeku, (1975) and Johnson (2001), argue that the civil service unions came into existence in 1912; other unions soon followed, and the trade union movement came into being. The general strike of 1915 was the turning point. Although, the union was unsure of its role at the early stages of the 1940s, the improvement of conditions of service for its members was its major assignment. Clearly, the personnel manager and his assistant who have not been trained in handling union's grievances could no longer cope. A full-time person had to be employed and so began the period of human resources managers. At the initial stage, those who occupied these positions were expatriates, since there was no qualified Nigerian to occupy these positions.

In general, Nigerians who had good education preferred their security and apparently rosier future of the civil service. This was the position until the late 1950s (Johnson 2001). It can be seen from the above, that historically the human resources function came to be recognized as machinery with which to pacify the union. Dispute has been defined as a situation between two or more parties who see their perspectives as incompatible (Larry- Cohen, Rachel -Davis and Manal 2006). However, the contract of employment is by nature unbalanced due to the fact that its contract is largely determined by the employer by virtue of him owing the means of production.

2.2. The Rationale behind Dispute Resolution

In determining whether dispute resolution is appropriate, an important consideration is whether it results in a better situation than if the dispute is allowed to take its natural course. Conflict is not always negative; it may be a necessary stage in progress towards a better state of affairs. As noted by Brown, Marginson, and Walsh 2003, conflict is the inevitable accompaniment of change. The challenge is therefore not to prevent conflict from arising, but to identify the outcome of the conflict and the best ways to manage it.

It is also important to distinguish between the underlying causes of dispute/conflict and the symptoms of the dispute. Sometimes a dispute may appear to have been resolved, when in fact only the manifestation of the dispute has been removed. If the police break up a violent demonstration, for example, they are removing the manifestation of a dispute between the demonstrators and the object of their demonstration, but the root causes of the conflict remain, possibly to re-emerge at a later stage. To resolve a dispute properly, it is necessary to address the concerns of the conflicting parties and seek solutions that will maximize the benefits to them in the long as well as the short term.

The term 'dispute resolution' has been described as 'a process by which two or more disputing parties improve their situation by cooperative action (allowing) the parties to expand the pie, or to prevent it from shrinking, giving each party a larger slice' (Chandraskhan 1997). This definition highlights the fact that dispute resolution aims to bring about benefits for the parties. It does not simply mean the cessation of conflict; if it did, it could include war and litigation, but war and litigation usually leave one, if not both parties, worse off. A common way of conceptualizing the process is to ask whether the dispute is a 'zero-sum game', which creates the possibility of 'win-win' solutions in which both parties gain overall through collaborative effort (Chandraskhan 1997).

2.3. Arbitration

It is a dispute settlement model or technique in which the parties in dispute appoint dispute settlement expert(s) referred to as arbitrator(s) to hear the party's evidence and decide the dispute for them, based on the evidence weight(s) and concessions of the parties. The parties retain control over the arbitration process. However, from outcome, the arbitrator(s) have the power to give binding decision on the parties.

Actually, arbitration is based on the personal agreement of the parties, who can appoint or remove arbitrator(s) and choose the arbitration venue (Nwakoby, 2007). By employing arbitration, the parties lose their ability to participate directly in the process. In addition, parties in arbitration are confined by traditional legal remedies that do not encompass creative, innovative or forward-looking solutions to business disputes.

Ultimately, the power of an arbitrator or panel of arbitrators is granted directly by the parties. By including contractual arbitration clauses, parties are agreeing to the resolution of their disputes through a process that consists of very simple proceedings, which are similar, but not equal to the traditional route of litigated settlements.

2.4. Mediation

This is a process whereby a third party known as a mediator is invited or allowed to intervene in facilitating the settlement of the dispute, with the agreement of the parties in dispute. Mediation becomes very imperative when the parties are emotionally attached to their perceived justified rights and benefits in the dispute, the objective and joint search for settlement/solution is hampered. Essentially, the mediator should not suggest solutions to the parties but rather facilitate communication, promote understanding and dialogue.

A mediator as well enhances problem-solving creativity of the parties towards reaching mutually agreed solution. Thus, a mediator should not render personal opinions or decision. He is a neutral intervener (third party) who is only interested in the peaceful resolution/settlement outcome of dispute. Mediation process is very effective in settling dispute when the mediator could resist or withstand pressures cum influence from interested parties (Mejida, 2007). A mediator assists the parties in identifying and articulating their own interests, priorities, needs and wishes to each other. Mediation is a 'peaceful' dispute resolution tool that is complementary to the existing court system and the practice of arbitration.

Mediation just like arbitration both promote the same ideals, such as access to justice, a prompt hearing, fair outcomes and reduced congestion in the courts, however, is a voluntary and non-binding process (Mejida, 2007). The mediation process is both informal and confidential. In contrast to arbitration and its relative rules of practice and procedure, mediation is flexible in terms of evidence, procedure, and formality.

2.5. Conciliation

Conciliation is another dispute resolution process that involves building a positive relationship between the parties of dispute. However, it is fundamentally different from mediation and arbitration in several respects. (Italian Civil Code 2004 cited in ILO, 2008). Conciliation is distinguished from mediation with the following characteristics; a conciliator may be government personnel, who may officiate with reference to government policy. Hence, a conciliator is expected to work in compliance to regulating obligation or laws. Thus, conciliation is statutorily provided for as regards dispute settlements. Again, a conciliator could make personnel opinions or suggestions for the parties. This later quality makes conciliation a peculiar dispute resolution model for settling disputes.

When a dispute involves a large segment of the society that it carries a socio-political perception, a modified conciliation known as Reconciliation is adopted. Here, a reconciliatory commission is instituted and managed by well knowledgeable reconciliatory personnel. The aim is to assist aggrieved individuals and groups communicate their grievances, seek compensation, or render forgiveness (Nnedum, Ezeokana and Egwu 2006). The 'conciliator' is an impartial person that assists the parties by driving their negotiations and directing them towards a satisfactory agreement. It is unlike arbitration in that conciliation is a much less adversarial proceeding; that seeks to identify a right that has been violated and searches to find the optimal solution. (Nnedum, et 'al 2006).

Conciliation tries to individualize the optimal solution and direct parties towards a satisfactory common agreement. Although this sounds strikingly similar to mediation, there are important differences between the two methods of dispute resolution. In conciliation, the conciliator plays a relatively direct role in the actual resolution of a dispute and even advises the parties on certain solutions by making proposals for settlement. The conciliator, not the parties, often develops and proposes the terms of settlement. The parties come to the conciliator seeking guidance and the parties make decisions about proposals made by conciliators. In this regard, the role of a conciliator is distinct from the role of a mediator.

3. Methodology

The study employed the survey research design in examining the role of Third-Party Intervention in Trade Dispute in Nigeria. The instruments of questionnaire, observations, and interviews were used for employees in the selected study institutions. The population figure of 2,021 was obtained from three study institutions from the South East, Nigeria. A sample size of 631.7 was determined for the study using Taro Yamme's approach. The purposive sampling method was also adopted in the study since some subjects were fit for the research compared to other individuals.

The validity of the instrument was done by showing the instrument to Management research experts for their inputs and by making sure that the items in the instrument were strictly based on the research questions. The use of pilot study was adopted for determination of the reliability of the research instrument. The essence was to determine consistency in responses. Data obtained from pilot survey were committed to test of reliability using Cronbach alpha statistic and computed using SPSS version 19. The result reported a Cronbach alpha of 0.771, the instrument was therefore confirmed reliable. For the data analysis, the descriptive statistics of simple percentage, mean, Variance and Analysis of Variance (ANOVA) were adopted to answer the research questions and test the hypotheses. To further this research, F-value was used to calculate the test statistics, treatment mean square (TRMS), Error mean Square (EMS), and Treatment Sum of Squares (TRSS) to enable the study draw conclusion of whether to accept or to reject the null or alternative hypotheses at 5% significant level.

In computing the percentage distribution, the mean score was used in measuring the degree of agreement. The mean attitude score is defined as the sum of scores of all respondents on a given item on the scale divided by the number of respondents. The means scores were determined by assigning values as; Strongly agree=5, Agree=4, Undecided=3, Disagree=2, and Strongly disagree=1.

4. Data Presentation and Analysis

This section presents the analysis of the data on the role of third-party intervention in trade dispute in Nigeria. The 632 copies of questionnaires were distributed to the employees in the three study institutions out of which only 564 were validly returned. This represented a total of 89% responses. The Abia State University Uturu Okigwe topped the responses with a total of 388 representing 69%. The Federal University of Technology, Owerri with 92 responses representing 16% and the Imo State University Owerri with 84 responses representing 15% out of the entire responses. In analyzing the role of third-party intervention in trade dispute in Nigeria as the case study. Questions in the questionnaires were analyzed using the simple percentage approach. The hypothesis was tested with analysis of variance at 5% significant level

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	%AGGR TOTAL
Strong Agreement	26	20	40	86	15	15
Agreement	46	40	308	394	70	70
Disagreement	12	18	22	52	9	9
Strong Disagreement	8	6	18	32	6	6
Total	92	84	388	564	100	100

Table 1: Conciliators Significantly Play Effective Role in Dispute Resolution
Source: Field Survey, 2020

The above table indicated that 394 respondents agreed that conciliators significantly play effective role in dispute resolution, 86 respondents representing 15% strong agreement, 52 respondents representing 9% disagreement and 32 representing 6% were in strong disagreement.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	22	14	30	66	12	12
Agreement	62	48	299	405	72	72
Disagreement	8	13	43	64	11	11
Strong Disagreement	2	9	18	29	5	5
Total	92	84	388	564	100	100

Table 2: Conciliators Play Major Role in Dispute Resolution
Source: Field Survey, 2020

The analysis of the above table showed that a total of 405 respondents representing 72% agreed that conciliators play major role in dispute resolution in Nigeria, 66 representing 12% strongly agree, 64 representing 11% disagreed while 29 representing 5% strong disagreement.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	5	7	9	21	4	4
Agreement	15	13	17	45	8	8
Disagreement	51	36	271	356	63	63
Strong Disagreement	21	28	93	142	25	25
Total	92	84	388	564	100	100

Table 3: Third Parties' Solution are Limited and Cannot Resolve All the Disputes
Source: Field Survey, 2020

The above table was used in analyzing the research question, third parties' solutions are limited and cannot resolve all the disputes. The analysis of the above table indicated that total of 356 respondents disagreed that third parties' solutions are limited and cannot resolve all the disputes in Nigeria. A total of 142 respondents representing 25% were in strong disagreements while 45 respondents representing 8% agreed and 21 respondents representing 4% indicated a strong agreement.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	27	15	40	82	15	15
Agreement	54	56	318	428	76	76
Disagreement	8	11	22	417	7	7
Strong Disagreement	3	2	8	13	2	2
Total	92	84	388	564	100	100

Table 4: Joint Use of Mediators and Conciliators are More Effective in Dispute Resolution than Individual Applications
Source: Field Survey, 2020

The above table was used to analyze the research objective. The analysis of the table above indicated that a total of 428 respondents representing 76% agreed with the research objective while 82 respondents representing 15% strongly agreed. On the aggregate a total of 54 respondents representing 7% or (41) were in disagreement while 13 or (2%) representing strongly disagreed.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	2	6	27	35	6	6
Agreement	8	12	31	51	9	9
Disagreement	46	59	297	387	69	69
Strong Disagreement	36	22	33	91	16	16
Total	92	84	388	564	100	100

Table 5: Conciliators Communicate Effectively to Distressed Parties than Mediators
Source: Field Survey, 2020

The above table was used to analyze the question 'Conciliators communicate effectively to distressed parties than Mediators'. The analysis of the table above indicated that a total of 387 respondents disagreed that conciliators communicate effectively to distressed parties than mediators, while 91 or (16%) respondents strongly disagreed. On the aggregate a total of 86 respondents representing 9% agreement and 65 were in strong agreement.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	%AGGR TOTAL
Strong Agreement	42	44	302	388	69	
Agreement	39	25	66	130	23	92
Disagreement	9	11	14	34	6	6
Strong Disagreement	2	4	6	12	2	2
Total	92	84	388	564	100	100

Table 6: Disputes Are Mostly Resolved by Mediation
Source: Field Survey, 2020

The analysis of the table above that was used to analyze the research objectives in the questionnaire, indicated that a total of 388 respondents strongly agree that disputes are mostly resolved by mediation, while 130 respondents agreed. On the aggregate a total of 46 respondents representing 6% disagreement and 25 strong disagreement. The 92% strong agreement indicated an agreement that dispute is mostly resolved by mediation.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	49	50	278	377	67	
Agreement	35	21	92	148	26	93
Disagreement	6	9	11	26	5	5
Strong Disagreement	2	4	7	13	2	2
Total	92	84	388	564	100	100

Table 7: Mediatory Roles Are Very Effective in Dispute Resolution
Source: Field Survey, 2020

The table above analyzed the statement that mediatory roles are very effective in dispute resolution. The analysis of the statement showed that 377 and 148 represents 67% and 26% agreement. On the aggregate a total of 39 respondents represented 5% disagreement while 2% strongly disagreed.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	47	49	323	419	74	
Agreement	38	25	47	110	20	94
Disagreement	6	7	12	25	4	4
Strong Disagreement	1	3	6	10	2	2
Total	92	84	388	564	100	100

*Table 8: Disputes Are Mostly Resolved by Arbitration
Source: Field Survey, 2020*

The analysis of the table above indicated that a total of 419 respondents strongly agree that disputes are mostly resolved by arbitration while 110 agreed. On the aggregate a total of 35 respondents representing 4% were in disagreement while 2% strongly disagreed. On the basis of the acceptance region formulated, the 94% indicated a strong agreement of the respondents on the research statement: disputes are mostly resolved by arbitration. This statement was further tested using ANOVA to verify the authenticity of the statement.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	20	16	61	97	17	
Agreement	68	57	307	432	77	94
Disagreement	3	7	13	23	4	4
Strong Disagreement	1	4	7	12	2	2
Total	92	84	388	564	100	100

*Table 9: Disputes Are Better Resolved by Arbitration and Mediation
Source: Field Survey, 2020*

The table above analyzed the statement 'Disputes are better resolved by arbitration and mediation'. The analysis of the statement showed that 432 and 97 respondents representing 77% and 17%, aggregating 94% were in agreement that disputes are better resolved by arbitration and mediation. However, 35 respondents representing 4% and 2% were in disagreement and strong disagreement respectively. The 94% agreement indicated an agreement that disputes are better resolved by arbitration and mediation.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	27	19	74	120	21	
Agreement	55	49	276	380	67	88
Disagreement	7	11	27	45	8	8
Strong Disagreement	3	5	11	19	4	4
Total	92	84	388	564	100	100

*Table 10: Mediators Have Significant Role in the Resolution of Disputes
Source: Field Survey, 2020*

The above table was used in analyzing the research question that mediators have significant role in the resolution of disputes. The analysis of the table above indicated that an aggregate total of 500 respondents representing 88% strongly agree with the statement, while 45 and 19 respondents representing 12% were in disagreement. On the basis of the acceptance region formulated, the 88% indicated a strong agreement by the respondents.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	54	46	295	394	70	
Agreement	30	26	54	110	20	90
Disagreement	5	7	29	41	7	7
Strong Disagreement	3	5	11	19	3	3
Total	92	84	388	564	100	100

Table 11: Arbitrators Are Effective in Dispute Resolution
Source: Field Survey, 2020

The table above was used in analyzing the research statement: arbitrators are effective in dispute resolution. The analysis of the table above indicated that a total of 394 respondents strongly agree that the role of conciliators, mediators and arbitrators are effective in dispute resolution while 110 agreed. On the aggregate, a total of 60 respondents representing 7% were in disagreement while 5% strongly disagreed. On the basis of the acceptance region formulated, the 90% indicated a strong agreement of the respondents on the research statement, arbitrators are effective in dispute resolution.

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	1	2	7	10	2	
Agreement	3	5	9	17	3	5
Disagreement	26	18	47	91	6	6
Strong Disagreement	62	59	325	446	79	89
Total	92	84	388	564	100	100

Table 12: Disputing Parties Do Not Accept the Proposals of Mediators
Source: Field Survey, 2020

The analysis of the table above was carried out using the research statement, disputing parties do not accept the proposals of mediators. The table showed that a total of 446 respondents strongly disagreed with the statement while 91 respondents merely disagreed. On the aggregate a total of 537 respondents representing 95% were in strong disagreement. However, 17 and 10 respondents representing 3% and 2% respectively were in agreement on the basis of acceptance region formulated, the 95% indicated a strong disagreement by the respondents on the research statement that disputing parties do not accept the proposal of mediators.

4.1. Test of Hypotheses

The hypotheses are to be tested to find out their validity or otherwise and thus determine if significant differences occur in the statement to enable the researcher draw a conclusion.

4.1.1. Test of Hypothesis One

- H_{01} : The role of arbitrators is not significantly effective in dispute resolution.
- H_1 : Arbitrators are significantly effective in dispute resolution.

This hypothesis was tested with the responses from table 4

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	27	15	40	82	15	
Agreement	54	56	318	428	76	91
Disagreement	8	11	22	417	7	7
Strong Disagreement	3	2	8	13	2	2
Total	92	84	388	564	100	100

Table 13: Observed Frequency Table 1
Source: Table 4

RESPONSES	FUTO	IMSU	ABSU	
Strong Agreement	27	15	40	
Agreement	54	56	318	
Disagreement	8	11	22	
Strong Disagreement	3	2	8	
FX	92	84	388	564
X	23	21	97	141
EX ²	8464	7056	150544	166064

Table 14: Contingency Table for Testing Hypothesis One
Source: Table 4

When n=12

$$\begin{aligned}
 \text{TSS} &= \text{Ex}^2 - \frac{(\text{Ex})^2}{n} \\
 &= 166064 - \frac{(564)^2}{12} \\
 &= 166064 - \frac{318096}{12} \\
 &= 166064 - 26508 = 139.556 \\
 \text{TRSS} &= \frac{n_1x_1^2 + n_2x_2^2 + n_3x_3^2}{n} - \frac{(\text{EX})^2}{n} \\
 &= \frac{4(23)^2 + 4(21)^2 + (97)^2}{12} - \frac{(564)^2}{12} \\
 &= \frac{41516 - 26508}{12} = 15008 \\
 \text{ESS} &= \text{TSS} - \text{TRSS} \\
 &= 139556 - 15008 = 124.548
 \end{aligned}$$

SOURCES OF VARIATION	DFGREE OF FREEDOM	MS	F-VALUE
Treatment	(r-1) 2	(TRSS) 15008	7504
Error	(n-r) 12-3=9	(TSS-TRSS) 124548	$\frac{\text{ESS}}{n-1}$ 11.003
Total	11	139556	

Table 15

$$\text{Fcal} = \frac{\text{TRMS}}{\text{EMS}} = \frac{7504}{11.322} = 662.78$$

From F. table F_{2, 9, 0.025} = 4.26

4.1.1.1. Decision

Since F- calculated which is 662.78 is greater than F- table which is 4.26, reject the null hypothesis and accept the alternative, concluding that arbitrators are significantly effective in dispute resolution, this means that third party intervention by way of arbitration in dispute resolution is effective.

4.1.2. Test of Hypothesis Two

- H₀₂: Conciliators do not significantly play effective role in dispute resolution
- H₁₂: Conciliators significantly play effective role in dispute resolution

The hypotheses were tested with the responses from table .1

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	32	14	40	86	15	
Agreement	40	46	308	394	70	85
Disagreement	12	18	22	52	9	9
Strong Disagreement	8	6	18	32	6	6
Total	92	84	388	564	100	100

Table 16: Observed Frequency Table 2
Source: Table 1

RESPONSES	FUTO	IMSU	ABSU	
Strong Agreement	32	14	40	
Agreement	40	46	308	
Disagreement	12	18	22	
Strong Disagreement	8	6	18	
FX	92	84	388	564
X	23	21	97	141
EX ²	8464	7056	150544	166064

Table 17: Contingency Table for testing hypothesis 2
Source: Table. 1

When n =12

$$\begin{aligned}
 \text{TSS} &= \text{Ex}^2 - \frac{(\text{Ex})^2}{n} \\
 &= 166064 - \frac{(564)^2}{12} \\
 &= 166064 - \frac{318096}{12} \\
 &= 166064 - 26508 = 139.556
 \end{aligned}$$

$$\begin{aligned}
 \text{TRSS} &= n_1x_1^2 + n_2x_2^2 + n_3x_3^2 - \frac{(\text{EX})^2}{n} \\
 &= 4(23)^2 + 4(21)^2 + (97)^2 - \frac{(564)^2}{12} \\
 &= 41516 - 26508 = 15008
 \end{aligned}$$

$$\begin{aligned}
 \text{ESS} &= \text{TSS} - \text{TRSS} \\
 &= 139556 - 15008 = 124.548
 \end{aligned}$$

SOURCES OF VARIATION	DFGREE OF FREEDOM	MS	F-VALUE
Treatment	(r-1) 2	(TRSS) 15008	7504
Error	(n-r) 12 - 3=9	(TSS-TRSS) 124548	$\frac{\text{ESS}}{n-1}$ 11.322
Total	11	139556	

Table 18

$$\text{Fcal} = \frac{\text{TRMS}}{\text{EMS}} = \frac{7504}{11.322} = 662.78$$

From F. table F_{2, 9} 0.025=4.26

4.1.2.1. Decision

Since F-calculated which is 662.78 is greater than F-table 4.26, reject null hypothesis and accept the alternative and conclude that conciliators significantly play effective role in dispute resolution in our universities.

4.1.3. Test of Hypothesis Three

- H₀₃: Mediators do not have significant role in the dispute resolution
- H₁₃: Mediators have significant role in the dispute resolution

The hypothesis was tested with the responses from table .10

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	27	19	74	120	21	
Agreement	55	49	276	380	67	88
Disagreement	7	11	27	45	8	8
Strong Disagreement	3	5	11	19	4	4
Total	92	84	388	564	100	100

Table 19
Source: 4.10

RESPONSES	FUTO	IMSU	ABSU	
Strong Agreement	27	19	74	
Agreement	55	49	276	
Disagreement	7	11	27	
Strong Disagreement	3	5	11	
FX	92	84	388	564
X	23	21	97	141
EX ²	8464	7056	150544	166064

Table 20: Contingency Table for Testing Hypothesis 3
Source: Table .4

When n=12

$$\begin{aligned}
 \text{TSS} &= \text{Ex}^2 - \frac{(\text{Ex})^2}{n} \\
 &= 166064 - \frac{(564)^2}{12} \\
 &= 166064 - 26508 = 139.556 \\
 \\
 \text{TRSS} &= \frac{n_1x_1^2 + n_2x_2^2 + n_3x_3^2}{n} - \frac{(\text{EX})^2}{n} \\
 &= \frac{4(23)^2 + 4(21)^2 + (97)^2}{12} - \frac{(564)^2}{12} \\
 &= \frac{41516}{12} - \frac{26508}{12} = 15008 \\
 \text{ESS} &= \text{TSS} - \text{TRSS} \\
 &= 139556 - 15008 = 124.548
 \end{aligned}$$

SOURCES OF VARIATION	DFGREE OF FREEDOM	MS	F-VALUE
Treatment	(r-1) 2	(TRSS) 15008	7504
Error	(n-r) 12-3=9	(TSS-TRSS) 124548	$\frac{\text{ESS}}{n-1}$ 11.322
Total	11	139556	

Table 21

$$\begin{aligned}
 F_{cal} &= \frac{\text{TRMS}}{\text{EMS}} = \frac{7504}{11.322} = 662.78 \\
 \text{From F. table } F_{2, 9, 0.025} &= 4.26
 \end{aligned}$$

4.1.3.1. Decision

Since F-calculated which is 662.78 is greater than observed F-table 4.26, reject null hypothesis and accept the alternative and conclude that mediators have significant role in the disputes resolution.

4.1.4. Test of Hypothesis Four

- H₀₄: Arbitrators do not significantly enhance dispute resolution
- H₁₄: Arbitrators significantly enhance dispute resolution

The hypotheses were tested with the responses from table .9

RESPONSES	FUTO	IMSU	ABSU	TOTAL	%TOTAL	% AGGR TOTAL
Strong Agreement	20	16	61	97	17	
Agreement	68	57	307	432	77	94
Disagreement	3	7	13	23	4	4
Strong Disagreement	1	4	7	12	2	2
TOTAL	92	84	388	564	100	100

Table 22
Source: 4.9

RESPONSES	FUTO	IMSU	ABSU	
Strong Agreement	20	16	61	
Agreement	68	57	307	
Disagreement	3	7	13	
Strong Disagreement	1	4	7	
FX	92	84	388	564
X	23	21	97	141
EX ²	8464	7056	150544	166064

Table 23: Contingency Table for Testing Hypothesis 4
Source: Table .9

When n=12

$$\begin{aligned}
 \text{TSS} &= \frac{(\sum X)^2}{n} - \sum \frac{X^2}{n} \\
 &= 166064 - \frac{(564)^2}{12} \\
 &= 139.556 \\
 \text{TRSS} &= \frac{\sum n_i x_i^2 + n_2 x_2^2 + n_3 x_3^2}{n} - \frac{(\sum X)^2}{n} \\
 &= \frac{4(23)^2 + 4(21)^2 + (97)^2}{12} - \frac{(564)^2}{12} \\
 \text{ESS} &= \text{TSS} - \text{TRSS} \\
 &= 139556 - 15008 \\
 &= 124.548
 \end{aligned}$$

SOURCES OF VARIATION	DFGREE OF FREEDOM	MS	F-VALUE
Treatment	(r-1) 2	(TRSS) 15008	7504
Error	(n-r) 12-3=9	(TSS-TRSS) 124548	$\frac{\text{ESS}}{n-1}$ 11.322
Total	11	139556	

Table 24

$$\text{Fcal} = \frac{\text{TRMS}}{\text{EMS}} = \frac{7504}{11.322} = 662.78$$

From F. table F_{2, 9} 0.025 = 4.26

4.1.4.1. Decision

Since F-calculated is greater than F-table, we reject the null hypothesis and accept the alternative hypothesis which states that 'Arbitration significantly enhance dispute resolution.

Using the percentage distribution approach, the research statement having scored 94% which falls between 75%-100% for strong agreement also confirmed a strong positive agreement that arbitrators significantly enhance dispute resolution.

5. Discussion and Findings

The first research question analyzed was 'the role of conciliators in dispute resolution'. Table 4 was used in interpreting the findings. A total of 510 respondents or (91%) out of the 564 respondents were in agreement. 41 or (7%) disagreed and 13 (2%) strongly disagreed. A further analysis using the percentage distribution approach revealed that 91% which falls between 75%-100% for strong positive agreement confirmed the roles of conciliators in dispute resolution. A further test of the hypothesis with analysis of variance (ANOVA) at 5% indicated that Fcal at 0.025 = 662.78 is greater than F- table 4.26 at 5% significant level, thus confirming the result of the role of conciliators in dispute resolution. The responses gathered from table .1 showed that conciliators significantly play effective role in dispute resolution.

The analysis of the response in table .1 indicated that 480 or (85%) respondents were in agreement that conciliators significantly play effective role in dispute resolution, 52 or (9%) agreed and 32 or (6%) disagreed, while 32 or (6%) were in strong disagreement.

The mean value which was 141 also was within an acceptance region. To further confirm the result, the analysis of variance (ANOVA) was used to find out that F-cal 662.78 was greater than F-table 4.26 at 5% level of significance, thus necessitating the acceptance of the alternative hypothesis which state 'conciliators significantly play effective role in dispute resolution'. The researcher's findings based on the responses on table.1 and table.4 shows strong agreement with the work of Fisher (2001) that conciliators significantly play effective role in dispute resolution.

Table.10 demonstrated that the mediators have significant role in the resolution of disputes in Nigeria. The hypothesis was confirmed through an agreement of 500 or (88%), disagreement 45 or (8%) and strong disagreement 19 or (4%). The result of the hypothesis tested showed that $F_{cal} = 662.78$. Since the F_{cal} at 0.025 = 662.78 is greater than F_{table} 4.26 at 5% significant level, the research thus reject the null hypothesis and accept the alternative hypothesis which states that mediators have significant role in the resolution of hypothesis which states that mediators have significant role in the resolution of disputes in Nigeria. The responses in table 10 are in agreement with the work of Nwankwo et' al (2012).

The result of table 9 showed that arbitration significantly enhances dispute resolution. A total number of 529 respondents representing 94% were in affirmative, 23 or (4%) disagreed and 12 or (2%) in strong disagreement. The F_{cal} at 0.025=662.78 is greater than F_{table} 4.26 at 5% significant level, necessitating the rejection of the null hypothesis and acceptance of the alternative hypothesis which states 'arbitrators significantly enhance dispute resolution. The responses in table.9 are in agreement with the work of Felix Steffek and Hannes Unberath (2010).

6. Recommendations

On the basis of the research findings, the researcher recommends the following:

- Disputes should be resolved as quickly as possible and should not be allowed to linger for a very long period of time.
- The immediate and remote causes of dispute should be properly addressed.
- During the course of dispute resolution, the resolution body should create an atmosphere whereby the disputing parties should be free to air their views.
- Substantive effort should be made towards reducing disputes in the institutions because of its negative consequences
- Effort should be made to ensure that dispute should not be dysfunctional

7. References

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Appendix

S.NO	Q.6	Q.D	Q.8	Q.9	Q.10	Q.11	Q.12	Q.13	Q.14	Q.15	Q.16	Q.17	Q.18	Q.19	Q.20
1	5	4	5	5	3	4	4	5	4	4	3	4	5	4	51
2	5	4	5	4	5	5	5	5	5	5	5	5	5	5	5
3	5	5	5	5	5	5	5	3	5	4	5	5	5	5	5
4	4	4	5	5	5	5	4	5	5	4	4	5	5	4	5
5	5	4	5	4	5	4	5	4	5	4	4	5	5	5	5
6	4	4	5	4	4	5	5	4	5	3	5	5	5	5	5
7	5	1	4	5	1	3	5	5	5	4	3	5	5	5	5
8	5	1	5	4	1	5	5	3	5	4	5	5	5	5	5
9	4	2	5	2	4	4	5	4	5	4	4	5	5	5	5
10	5	1	4	4	1	5	4	4	5	4	5	4	5	4	5
11	5	1	5	5	1	5	5	5	5	5	5	5	5	5	5
12	5	5	3	5	5	4	3	4	4	4	4	3	4	3	4
13	4	4	4	4	2	4	4	3	5	5	4	4	5	4	5
14	4	2	5	2	5	5	5	2	4	4	5	5	4	4	4
15	5	4	4	1	2	5	4	2	5	5	5	4	5	4	5
16	4	2	3	1	2	5	3	3	4	4	5	3	4	3	4
17	5	4	5	4	4	4	5	4	5	5	4	5	5	5	5
18	5	2	4	4	2	5	4	5	4	4	5	4	4	4	4
19	5	2	4	2	1	4	4	5	4	4	4	4	4	4	5
20	4	1	5	4	1	5	5	4	4	4	5	5	4	5	4
21	5	1	3	2	5	2	3	4	4	3	2	3	4	3	5
22	5	5	4	4	1	4	4	5	5	5	4	4	5	4	4
23	3	4	5	2	1	4	5	4	4	4	4	5	4	5	4
24	4	1	4	1	2	4	4	5	4	4	4	4	4	4	4
25	5	3	4	2	2	5	4	3	5	5	5	4	5	4	5
26	5	3	5	3	5	4	5	4	5	4	4	5	5	5	5
27	5	4	5	4	1	4	5	4	5	5	4	5	5	5	5
28	4	4	4	4	5	4	4	4	4	4	4	4	4	4	4
29	4	4	3	4	4	2	3	5	4	5	2	3	4	3	4
30	5	4	5	4	4	5	5	5	5	4	5	5	5	5	5

Table 25

```

GET DATA/TYPE=XLS
/FILE='C:/Users/360/Desktop/donates.xls'
/SHEET=name 'Sheet2'
/CELLRANGE=FULL
/READNAMES=on
/ASSUMEDSTRWIDTH=32767.
DATASET NAME DataSet1 WINDOW=FRONT.
RELIABILITY
/VARIABLES=Q.6 Q.7 Q.8 Q.9 Q.10 Q.11 Q.12 Q.13 Q.14 Q.15 Q.16 Q.17 Q.18 Q.19 Q.20
/SCALE ('ALL VARIABLES') ALL/MODEL=ALPHA
Reliability:
{DataSet1}
Scale: ALL VARIABLES

```

	N	%
Cases Valid	30	100.0
Excluded	0	0
Total	30	100.0

Table 26: Case Processing Summary
a. Listwise Deletion Based on All
Variables in the Procedure

Cronbach's Alpha	N of items
.771	15

Table 27: Reliability Statistics