



RESEARCH AND WRITING GUIDE

O.IBIM-DOKUBO ESQ

I.S DOKUBO AND CO (ALAIYINGI CHAMBERS)

TABLE OF CONTENT

- ▶ INTRODUCTION
- ▶ GENERAL STEPS IN WRITING
- ▶ RESEARCH PROCESS
- ▶ WRITING THE PAPER
- ▶ REFERENCING AND CITATION
- ▶ SIMPLY DO'S AND DON'T'S TO FOLLOW

INTRODUCTION

"Research is defined as the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies and understandings. This could include synthesis and analysis of previous research to the extent that it leads to new and creative outcomes"

The Department of Education and Training, Western Sydney University

INTRODUCTION CONTD

Three basic points

1. New or already existing Idea.
2. Analyse, criticise and build on the idea
3. Present your own findings

GENERAL STEPS IN WRITING

- ▶ **READ THE TOPIC** : This is the most important step in writing any paper. As a writer, you must first **read and understand** the topic you are given in order not to go on a frolic.
- ▶ **IDENTIFY THE RESEARCH QUESTION /PROBLEM STATEMENT** : Every paper seeks to answer questions or emanates from a problem or both.

For example :Topic- “Nigerian Local Content as a tool for curing the resource curse in Nigeria”.

Problem Statement : It will be expected that a country like Nigeria being blessed with abundant natural resources will experience rapid development. However, evidence has shown that this is not the case. Rather, like many other resource-rich countries, Nigeria has been plagued by the resource curse. In an attempt to cure or avoid the resource curse, many resource-rich countries have tried various concepts, one of which is known as local content. While countries such as Norway and Botswana which have implemented local content have managed to cure the curse, Nigeria which has also implemented local content policies is still plagued by the curse.

Topic: “The Impactful Nature of Arbitration on Commercial Agreements in Nigeria”

Research Question: *To what extent can arbitration be said to influence the operation of commercial agreements in Nigeria?*

Contd.

- ▶ THINK AND PLOT: Some persons go straight into writing, but this is wrong X. In this step, you decide on the angle the paper is going to take.
- The research question or problem statement helps you in plotting your work
- Basic knowledge or idea about the concept helps you develop an early stance on the topic.
- However, try not to get stuck on your stance.
- Keep an open mind as research into the topic might change your view!

Contd.

- ▶ SCRIBBLE / DRAFT : The human mind is not a computer, so it is important to jot things down!
- You have your idea, now put it on paper
- Scribble down your plot.
- Example : Topic: "The Impactful Nature of Arbitration on Commercial Agreements in Nigeria"

Introduction

Commercial Agreements

Brief discussion on arbitration as it relates to the topic.

The features of arbitration that benefits commercial agreements

The things lacking in the current adjudication of commercial disputes

The end goal of employing arbitration in the agreements; any bigger picture? For example does it affect the country's economy?

Any challenges ?

The ways it can impact commercial agreements ; (1) impacts on commercial agreements involving foreign investors (2) impacts on agreements only between citizens of Nigeria.

Conclusion

Contd.

- ▶ RESEARCH AND GATHER MATERIALS
 - Filter the relevant materials on the concept
 - Research on materials using your plot as guidance. Don't just research randomly.
 - The views of other scholars on the concept helps build your opinion.
 - Create a file to arrange and store the materials found during the research.
- ▶ READ MATERIALS : this enables you develop a deeper understanding of the concept.
 - Is your stance absolutely correct or do you feel differently?
- ▶ WRITE: At this point you are ready to start writing!

Contd.

- ▶ REFERENCE AND CITATION
- ▶ REVIEW
- ▶ PROOFREAD
 - Tripartite steps
 - Arguably the most overlooked steps in writing yet very important.
 - Important requirements for publication
 - Standardizes your work
 - Prevents the issue of plagiarism
 - You should give the work to a third party to proofread and review.

RESEARCH PROCESS

- ▶ Research can be done using books, journals, newspapers, legal database, law reports, websites etc.
- ▶ For print materials, visit your library and seek the assistance of the librarian when needed.
- ▶ Search using keywords
- ▶ Locate the section relevant to your work
- ▶ Use google scholar to source materials
- ▶ Restricted and unrestricted sites
- ▶ Use online libraries to source materials
- ▶ Avoid sites like Wikipedia ; be careful of sites used.

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Step by step guide on online search

- ▶ Open goggle
- ▶ Search goggle scholar
- ▶ Search the keywords
- ▶ Click on the relevant link
- ▶ Access the article to download .. Sites like <https://www.researchgate.net/> are unrestricted.
- ▶ Restricted? Click on 'sign up' to create account or login options if you already have an account.
- ▶ Redirected to log in
- ▶ Input username and password. Save password at first instance and it will automatically insert itself.
- ▶ Download article/book chapter

WRITING THE PAPER

- ▶ It is important to develop your own unique style of writing. Just like lawyers do with written address; **make it your own.**
- ▶ Be clear, simple and precise. Usage of ambiguous and unnecessary grammar should be avoided. This makes it easy for your work to be understood and appreciated which is the purpose of writing.
- ▶ Make sure your work flows through logic; your conclusion should flow from your premise.

Example: Arbitration is more flexible and can fit into the plans of busy individuals in a contract. While the court processes are more rigid. (argument 1)

Arbitration provides the confidentiality required in most commercial contracts as opposed to litigation. (argument 2)

Logical Conclusion : arbitration makes for a better dispute resolution process than litigation and would encourage both foreign and local business persons to confidently enter into contracts.

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- ▶ However, do not feel obligated to pick a side. The most important thing is that your conclusion flows from your argument.
- ▶ No conclusion is wrong so long as you can back up your claim.
- ▶ EMPLOY CRITICAL THINKING AND ANALYSIS. – use ‘why’, ‘how’ ‘when’, ‘where’ to build your argument. Juxtapose with events in other jurisdiction or with concepts if required. **Build your argument to the end.**
- ▶ Reference statistics and the works and opinions of other scholars in building your argument.
- ▶ **Example: ‘ Arbitration must be consensual between the parties involved. According to the American Arbitration Association, arbitration is the consensual reference of a dispute to one or more impartial persons for final and binding determination. From these it is easy to gauge its essential characteristics: (1) it is a method not of compromising disputes but of deciding them; (2) it is resorted to only by agreement of the parties; (3) the person making the decision has no formal connection with the system of courts; but (4) before the award is known, it is agreed to be final and binding. Thus, From the foregoing, an arbitration must be founded on the agreement of the parties.’**

Contd.

- ▶ Try to avoid using too many examples. Use examples to build your argument. Do not leave them hanging.
- ▶ Avoid repetitions!!!
- ▶ Limited use of quotation

Contd.

▶ **Simple Recommended writing format**

- Abstract: it is basically a very short summary (between 150 to 250 words) of the whole work. It is located at the beginning of the work but should be written at the end of the work. The purpose of the abstract is to report the purpose and findings of the research to give the reader a clear idea of what the paper is about.

The Contents of an abstract include; the research problem, the objectives of the research, the methodology employed, the findings of the research and conclusion.

- Introduction : as it implies, it introduces the work to the reader. Gives the reader an insight of where the work is headed. Writer is to give a brief rundown of the contents of the work.

contd

- The body of the work : this is where the arguments and analysis are done. The use of sub-sections should be employed to give proper structure. It is pertinent that the sub-sections flow from each other to help the reader flow with the work.
- Conclusion and recommendations.

REFERENCING AND CITATIONS.

- ▶ There are different types of referencing methods but for legal writings or writings emanating from lawyers, the **OSCOLA** method is recommended.
- ▶ It is compulsory to reference every material you use during your research.
 - If lifting directly from the source without paraphrasing, use quotation marks (' ')
 - Citations are used in the body of the work to reference source.
 - Bibliography comes at the end of the work.

Sample citations/footnotes

As a process, arbitration is not new. It has been well said that it antedates the establishment of a legal order and in fact, written history.⁹ According to the American Arbitration Association, arbitration is the consensual reference of a dispute to one or more impartial persons for final and binding determination.¹⁰ From these it is easy to gauge its essential characteristics: (1) it is a method not of compromising disputes but of deciding them; (2) it is resorted to only by agreement of the parties; (3) the person making the decision has no formal connection with the system of courts; but (4) before the award is known, it is agreed to be final and binding¹¹

From the foregoing, an arbitration must be founded on the agreement of the parties. In some cases, where there is an existing arbitration clause, the question may arise as to whether the creditor can or must invoke the arbitration. The answer to this is in the affirmative as parties are bound to resort to arbitration so long as it is stated in their contract. This position has been affirmed by some courts in Nigeria like in the case of *Ezegbo.v. Lion of Africa Insurance Co.*¹² where an insurance policy provided for arbitration in respect of "any dispute arising between the parties in connection therewith." The Court rejected suggestions that the provisions amounted to an ouster of its jurisdiction and affirmed that no cause of action can be instituted until parties have resorted to arbitration and an award has been made.

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⁹ Clarence Updegraff and Whitley McCoy, *Arbitration of Labour Disputes* (Cambridge University Press 2013).291

¹⁰ American Arbitration Association, 'Arbitration' < <https://adr.org>> accessed 23rd August 2020

¹¹Azadon Tiewul and Tsegah Francis, 'Arbitration and the Settlement of Commercial Disputes: A Selective Survey of African Practice' (1975) 24(3) *International and Comparative Law Quarterly* 393

¹² 1969] 2 All Nigeria Law Reports 81.

Contd.

Primary sources

- ▶ For longer pieces of work include tables of primary sources at the end, beginning with a table of cases, followed by a table of legislation then other tables such as treaties and policy documents.
- ▶ A citation for a piece of legislation is not required in a footnote if the short title of the act, is written in full in your text.
- ▶ For cases, give the name of the case, the neutral citation (if appropriate), volume and first page of the relevant law report and, where necessary, the court. It is also acceptable to include the full case reference in footnotes.

Contd

Primary Sources	
Citation	
Guyana Amerindian Act 2006.	Guyana Amerindian Act 2006
<i>Ezegbo.v. Lion of Africa Insurance Co. 1969</i>] 2 All Nigeria Law Reports 81.	<i>Ezegbo.v. Lion of Africa Insurance Co. 1969</i>] 2 All Nigeria Law Reports 81
<i>Corfu Channel Case (UK v Albania)</i> (Merits) [1949] ICJ Rep 4. (intl cases)	<i>Corfu Channel Case (UK v Albania)</i> (Merits) [1949] ICJ Rep 4

Contd.

Secondary Sources

- ▶ When there are more than 3 authors, give the first author followed by the phrase 'and others.'
- ▶ Where no individual author is named but an organisation or institution claims editorial responsibility, cite the organisation as the author.
- ▶ Where a book or journal publication is available online and in hard copy – cite the hard copy version (do not mention the online source).
- ▶ Book : author, *name of book* (publisher and year) page.
- ▶ Journal : author, 'title' (year) volume (issue) name of journal first page off article in the journal

Contd.

- ▶ For online only sources such as e-journals and websites, in addition to usual details, cite the URL (web address) in angle brackets (< >) and date accessed.
- ▶ If a source has an ISBN, cite it like a book
- ▶ Full stop (.) follows at the end of a citation
- ▶ If you've cited a material and want to cite later, (use "ibid" where it is immediately preceding) or (the name of the author and initial footnote number if it comes later e.g. Hirshman (n1)
- ▶ In bibliography, arrange alphabetically by author's surname and arrange in separate sections for books, journal articles, conference papers, websites etc.

Contd

Secondary Sources

Books	
Hirschman Albert, <i>The Strategy of Economics Development</i> (Yale University Press 1958) 18. - wholebook	Albert H, <i>The Strategy of Economics Development</i> (Yale University Press 1958) 18
Justine Pila, 'The Value of Authorship in the Digital Environment' in William H Dutton and Paul W Jeffreys (eds), <i>World Wide Research: Reshaping the Sciences and Humanities in the Century of Information</i> (MIT Press 2010). Chapter in edited book	Dutton WH and Jeffreys PW (eds), <i>World Wide Research: Reshaping the Sciences and Humanities in the Century of Information</i> (MIT Press 2010)

Contd.

Journals	
<p>Adewuyi Adeolu and Oyejide Ademola, 'Determinants of backward linkages of oil and gas industry in the Nigerian economy' (2012) 37(4) Resources Policy 452.</p>	<p>Adeolu A and Ademola O, 'Determinants of backward linkages of oil and gas industry in the Nigerian economy' (2012) 37(4) Resources Policy 452</p>
Web page	
<p>Godwin Onuoha , 'The Role of States in Industrial Development: A Comparison of the Oil Industry in Nigeria and Brazil' (June 2007) <</p>	<p>Onuoha G, 'The Role of States in Industrial Development: A Comparison of the Oil Industry in Nigeria and Brazil' (June 2007) <</p>

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Command Papers

Citing in Footnotes
Home Office, *Report of the Royal Commission on Capital Punishment* (Cmd 8932, 1953) para 53

Home Office, *Report of the Royal Commission on Capital Punishment* (Cmd 8932, 1953)

SIMPLE DO'S AND DON'TS

- ▶ Be careful of sites you source for materials
- ▶ Make sure to reference accordingly to avoid plagiarism
- ▶ Avoid lengthy and unnecessary quotations
- ▶ Master the art of paraphrasing
- ▶ Proofread your work
- ▶ Use proper grammar. Cites such as <https://www.grammarly.com> helps you proofread for errors and grammar. So, use it!

THE END!!!

▶ THANK YOU FOR LISTENING