

Oba Nsugbe QC, SAN

Oba Nsugbe QC, SAN is widely acknowledged as one of the UK's and Nigeria's leading barristers. He has a broad international practice with a particular interest in Africa. He provides high-level advice and representation for individuals, corporate clients and other organisations, (including NGOs), in matters ranging from business crime and corrupt practices, commercial litigation and dispute resolution.

Called to the Bar in 1985, when Oba took silk in 2002 aged only 39, he was described in a leading law commentary as "a rising star of the Bar of England and Wales". He commands considerable respect from both clients and peers. Numerous entries in Chambers and Partners over the years have described him as "a first-class advocate" as well as "a true gentleman who deserves his fabulous reputation", adding that he has a "fine forensic mind" and is admired for his "technical excellence". Contributors to the directory have also remarked that he is "fabulously personable, easy-going, and adored by judges and juries", "works extremely well in a team" and "impresses interviewees with his calm and genial manner".

Expertise

NIGERIAN LAW

He is qualified in both the UK and Nigeria and is highly experienced in the courts of both countries. He specialises in arbitration and complex commercial disputes acting for companies and individuals working in Africa, in particular Nigeria. He is also experienced in fraud and Asset recovery work. Instructed in some of the most significant and high profile ongoing and past cases in Nigeria, (including acting for families affected by the Dana Air Crash in product liability and Montreal Convention claims, the constitutional challenge to Nigeria's Same Sex Marriage Prohibition Act, and the successful defence of individuals said to have aided and abetted former Governor James Ibori in the large scale money laundering trials conducted in the UK), Oba provides high level advocacy and advisory services to a wide range of local and international clients. He is frequently involved in multi-jurisdictional cases.

He has also appeared as an expert witness in several UK cases involving Nigerian law, including the reported case of Howard v. Shirlstar in which he testified about the Nigerian aviation laws and regulations contravened by Howard, a British pilot, who was contracted to recover a plane owned by Shirlstar Container Ltd, which he flew to Ivory Coast, evading MIG fighter jets in the process. In addition, he routinely works in other overseas jurisdictions such as Germany, the Cayman Islands, Tanzania, Ghana, Kenya, South Africa and Zimbabwe.

REGULATORY AND DISCIPLINARY

Oba is able to provide expert regulatory guidance to businesses needing to comply with the legal framework in Nigeria. Furthermore, through a close network of established and highly specialist partner firms, he is able to cover other African jurisdictions as well. He is regularly called upon to advise on the drafting of contracts and commercial agreements, as well handling contentious contractual issues and

other litigation, for some of the world's largest companies in the oil and gas, leisure, banking, financial and publishing sectors. In the Cayman Islands his cases typically involve offshore trusts or insolvency, often with criminal recovery aspects. In addition, he has considerable alternative dispute resolution experience as both an Arbitrator and Counsel instructed in international arbitrations.

CRIMINAL

In addition he has both prosecuted and defended a number of high profile criminal cases in the UK.

INQUESTS AND INQUIRIES

Recorder of the Crown Court since 1999

Legal Assessor to the General Medical Council

Legal Assessor to the Nursing and Midwifery Council

Qualified Arbitrator and Mediator with considerable international experience

BUSINESS AND COMMERCIAL

Ongoing and recent commercial cases:

- Advising multinational bank seeking to establish card services in Nigeria on compliance with applicable regulatory and banking regulations.
 - Advising large Nigerian construction company over contractual dispute with local company constructing a hotel in Lagos.
 - Advising local Nigerian company on complex construction dispute with developer re: Lekki Expressway construction.
 - Acting for Nigerian Deposit Insurance Corporation on validity of asset disposal in UK by failed Nigerian Bank.
 - Acting for UK pilot suing Virgin Nigeria for breach of contract in the Lagos High Court.
 - Acting as expert witness on Nigerian Law for the largest African Hotel Group in arbitral dispute with leading Nigerian company in which a multi million dollar claim for damages made for alleged breaches of agency and marketing agreements in establishment of 5 star hotel in Nigeria.
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ALTERNATIVE DISPUTE RESOLUTION

Oba has extensive international arbitration experience both as an arbitrator and as Counsel. Ongoing and recent arbitration cases Include:

- ICSID: Interocean v the Federal Republic of Nigeria - Counsel with Supo Shasore SAN for the Interocean companies in multi-million dollar arbitration investor protection claim against the Nigerian Government.
- ICC 19021/MD: Arbitrator with Mr Michael Tselentis QC and Mr Vinayak Pradhan in tripartite engineering project dispute over design and upgrade of operations and security complex at OML58 in Nigeria;
- ICC 15539/VRO: Counsel for multinational steel construction companies in arbitration claim against Nigerian Government alleging expropriation of investments and wrongful termination of concessions. Case presently stayed for mediation;
- LCIA : acting as Counsel for one of Nigeria's largest insurance companies defending a claim for breach of reinsurance agreements – effect of non-payment of premiums;
- LCIA no 132515 : Counsel for UK based private equity in claim against Investment Manager and one of its Directors for alleged fiduciary and contractual breaches of senior loan note subscription agreement;
- ICC: Advising UK company on contractual dispute involving supply of security equipment to African country;
- ICC 29386/TO: acting for Nigerian Oil services company defending claim for alleged breaches of joint bidding and tender for lifeboat services brought by multinational;
- ICC 20558/TO: acting for Nigerian company in claims against Chinese multinational for alleged payment failures under Zungeru Power Project bidding and services agreements Law;
- Arbitrator in ad hoc arbitration under Arbitration Act 1996 with Christopher Symons QC and Anthony Marks. UK company claiming substantial damages against Nigerian Bank for failure to make payments under services agreement to design a prepaid card programme under Visa and Mastercard brands.
- ICC Case No 14417/EBS/VRO/AGF: Acting for Lagos State in large scale arbitration involving Enron. Defending Lagos State against substantial claims for damages for alleged breaches of power supply projects;
- LCIA: Acting for Norwegian based insurers and marine geophysical company in arbitration pursuant to Arbitration and Conciliation Act(Cap A18) Laws of the Federation of Nigeria involving collision between vessel and offshore platform in Nigerian coastal waters;
- Arbitrator on appointment of Government of Zanzibar in contractual dispute over oil storage depots with US multinationals;
- LCIA Case No. UN 81038 : Acting as arbitrator with in substantial arbitration involving a multinational oil company and its Nigerian oil services party where breaches of contracts and bailment alleged.
- ICC Case No. 203331/TO : President (with co-arbitrators Mrs Dorothy Ufot SAN and Mrs Doyin Rhodes-Vivour) in ongoing arbitration at the Lagos Court of Arbitration involving dispute between a multinational and indigenous gas processing operator over alleged breached of a Gas Production

Agreement in which multinational was to supply domestic company with rich gas for processing to natural gas liquid.

- LCIA Arbitration No. 153160: Co-arbitrator with Alain Choo Choy QC and Dr Tunde Ogowewo in ongoing international arbitration. Shareholders dispute in relation to agreements to fund a bid to acquire another company with license to operate an electricity distribution network as part of the privatisation of Nigerian power network.
- LCIA Arbitration No. 153195: Co-arbitrator with Makhdoom Ali Khan SC and Jonathan Hirst QC in ongoing international arbitration. Oil and Gas Dispute – disagreement over effect of performance guarantees and “Crude Swap” contract.

Qualifications:

- Hull University
- St Edwards School, Oxford

Professional associations:

- Association of Regulatory & Disciplinary Lawyers (ARDL)

Notable Cases:

- R v P Ltd and Another [Times Law Report 13th August 2007] Leading case on mens rea of officer of a body corporate under s.37 HSWA 1974
- R v Davies (David Janway) [2002] EWCA 2949 at 586 Leading case on reverse burden in health and safety cases and impact of Human Rights Act
- R v Howe & Son (Engineering) Ltd [1999] 2 ALL ER 249 Leading case on sentencing in health and safety cases
- R v Hampshire [1995] 2 ALL ER 1019 Competency of child’s evidence in sexual cases
- R v. Rachel [CA] 1993 Cr App R. (S) 265 Sentencing in Manslaughter cases
- Howard v Shirlstar Container Transport Ltd [1990] 1 WLR 1992 Contract involving illegal performance – effect
- Krumpa & Anor v. DPP [1989] Crim LR 295 S39 Public Order Act 1986

