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OBA NSUGBE QC, SAN

"He's very sound, he's very good on his feet. It's one thing to know the law but another to put it across in a way that is appealing to the judges - he's a good advocate."

Chambers Global 2018

Call: 1985 / Silk: 2002

For enquiries please call +44 (0)20 7353 0711 or email

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. He advised and appeared for the Lagos State Government in arbitral proceedings instituted against it following the collapse of Enron and the termination of various related contracts entered into by the State.

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".

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 & 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.

Selected Cases

Successful defence of wife of a former Chief of Staff charged with money laundering offences.

[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.

[Howard v Shirlstar Container Transport Ltd \[1990\] 1 WLR 1992](#)

Contract involving illegal performance – effect

Criminal

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

Selected Cases

R v Hyde, Sussex and Collins

which is the leading authority on the foresight of intention in murder.

R v Cairns,

Concerning disclosure of defence statements and the prosecution's discretion to call a witness who was not wholly credible. He provided the Archbold commentary on the case

R v Fulgence

R v Hampshire [1995] 2 ALL ER 101

Competency of child's evidence in sexual cases.

R v Rachel [CA] 1993 Cr App R. (S) 265

Sentencing in Manslaughter cases

Kruppa & Anor v. DPP [1989] Crim LR 295 S39

Public Order Act 1986

Inquests & Inquiries

Experienced Arbitrator and Dispute Resolution practitioner.

Legal Assessor to the General Medical Council.

Legal Assessor to the General Pharmaceutical Council.

Legal Assessor to the General Osteopathic Council.

Commercial

Selected 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.

Alternative Dispute Resolution

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

Selected Cases

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

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

Qualifications

- Recorder (1999)
- Hull University
- St Edwards School, Oxford

Professional associations

- Association of Regulatory & Disciplinary Lawyers (ARDL)
- British Nigeria Law Forum (Founder & Past Chair)

Professional activities

- 1999: Appointed Crown Court Recorder
- 2002: Appointed Queen's Counsel
- 2004/8: Chair of the British Nigeria Law Forum
- 2004: Gray's Inn Advocacy Trainer – Grade A
- 2005: Elected Bencher of Gray's Inn
- 2006: Elected Fellow of the Royal Society of Arts (FRSA)
- 2006/10: Legal Advisor to Central Association of Nigerians in the UK (CANUK)
- 2007: Head, Pump Court Chambers
- 2007: Legal Assessor for the General Medical Council
- 2010: Visiting Professor of Law, City University
- 2011: Trustee of the Africa Centre
- 2013: Legal Assessor to the Nursing and Midwifery Council
- 2014: Legal Assessor to the General Pharmaceutical Council
- Overseas Appointments:
 - 2005: Appointed Senior Advocate of Nigeria

- 2005: Member of the Body of Benchers, Nigeria
- 2006: Chair of g50 business group (Investing in Nigeria)
- 2007: Fellow Nigeria Leadership Initiative (“NLI”)
- 2010: Board Member, Oxford and Beaumont Solicitors, Ghana
- 2014: National Competitiveness Council of Nigeria on the appointment of H.E. Goodluck Jonathan
- Appointed to the Lagos Chamber of Commerce International Arbitration Centre Court of Arbitration